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Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Combined fourth and fifth periodic reports of States parties

Turkey*

* For the initial report submitted by the Government of Turkey, see CEDAW/C/5/Add.46, considered by the Committee at its ninth session. For the combined second and third periodic reports submitted by the Government of Turkey, see CEDAW/C/TUR/2-3, considered by the Committee at its sixteenth session. This document is being issued without formal editing.

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INTRODUCTION

Turkey submitted its second and third periodic report (CEDAW/C/TUR/2-3) to the Committee on the Elimination of Discrimination against Women at its 318th and 319th meetings on 17 January 1997. Since then, much has happened globally as well as nationally in Turkey that cause for celebration as well as concern for the sustenance of the gender equality agenda and world peace in general.

In 1999, we celebrated the 20th anniversary of the Convention on the Elimination of All Forms of Discrimination against Women - women's bill of rights; the same year, the General Assembly adopted the Optional Protocol to CEDAW, thereby empowering the Committee to respond more proactively to systematic violations of women's rights; in 2000, the international community conjoined to review and appraise progress made in the implementation of the Platform for Action and identified further actions and initiatives for the achievement of equality between women and men; the same year, the Security Council addressed the issue of women and peace, thus, placing gender agenda at the center of multilateral dialogue on issues of conflict prevention and peace building; in 2001 the Commission on the Status of Women adopted its new multi-year work programme, which outlines the priority areas for gender equality policy framework for the years 2002 to 2006; last but not least, in 2002 the General Assembly adopted the most welcomed resolution on "honour crimes".

For Turkey, the period since 1997 is marked by milestone legal reforms that eliminate fundamental discriminatory provisions against women as well as other initiatives that contribute towards expanding the boundaries of equality and human rights of women. In 1997, compulsory basic education has been increased from five to eight years; in 1998, the law on domestic violence (Protection of the Family Law) was adopted; in 1999, the reservations to CEDAW were lifted; in 2002, after five years of long and hard work, the new Civil Code was adopted; in 2001, the parliament ratified the Optional Protocol to CEDAW; and within this enabling legislative environment, observance of CEDAW principles in combating violence against women, women's poverty and economic exploitation, among others, have been included in the programme of the recently formed 58th Government.

However, the progresses achieved at home and abroad are overshadowed by increased trends in political conservatism, the growing socio-economic disparities and the intensified conflicts world wide. Most striking, no doubt has been the unfortunate events of 11 September 2001 and the subsequent developments that continue to threaten the sustenance of constructive dialogue among the international community. In this regard, the joint EU-OIC Forum, which Turkey had the honour of hosting in Istanbul on 12-13 February 2002, is an example of a good practice towards keeping the dialogue open. It is essential that the dialogue continues to prevent the reversal of progress in civil liberties, universal human rights and international cooperation achieved thus far. It is well known by now that women's rights are the first to be violated and sacrificed when repressive and anti-democratic environment prevails.

In the home front, Turkish society confronted grave challenges. Terror, which started in the mid-eighties and escalated during the first half of the 1990's, finally became contained by the security forces by 1997. This enabled the state to immediately put into motion a vigorous programme for the socio-economic development of eastern provinces, where the destruction was heaviest. At the same time, the extraordinary security mechanisms implanted in the region to combat terrorism, is systematically being lifted to restore civil order. This allows for an enabling environment to put into practice effective policies and programmes to combat the multi-facetted problems women of the eastern regions encounter.

In 1999, another disaster struck Turkey. A devastating earthquake took a heavy toll in human life and property and shattered public consciousness, the effects of which are still quite alive today. Efforts to re-build the ruins became constrained by the recent economic crisis, which drastically increased the proportion of the population who are below the poverty line. While there are promising signs of economic recovery, at the time this report was being written, the possibility of a war in the region seemed to be yet another threat for Turkey as well as for the entire region.

The fourth and fifth combined periodic report of Turkey is prepared against such a background. Despite the vulnerabilities surrounding Turkey, state commitment to the principles of CEDAW and the Beijing Platform for Action (PfA) remained intact. Changes in governments did not result in a deviation from compliance with this commitment. The initiatives undertaken within the context of EU accession process has also complemented the efforts with regard to CEDAW and PfA commitments.

Turkey's third and fourth combined report was prepared in a participatory manner, whereby integrating the contributions of relevant government institutions as well as academicians and the non-governmental organizations. The report aims to highlight achievements made vis-à-vis each article of the Convention since the last reporting. Inadequacies, particularly in implementation and persisting obstacles to change, are also identified. While there is much to celebrate in terms of achievements, women's situation in Turkey, is far from the desired levels both in terms of basic development indicators as well as women's participation in decision making and the more symbolic aspects of their representation in public space.

Women are still grossly underrepresented in the parliament, violence against women is still a social ill and allocation of resources, particularly the national budget, is still gender biased. This insufficiency in the budgetary distribution process is reflected in the limited human and financial resources available to the Directorate General for the Status and Problems of Women. Regrettably, the Directorate General continues to function without an organizational law, which is before the parliament awaiting consideration. There is still much to be done in strengthening the institutional capacity of the national machinery for the advancement of women and in eliminating discrimination against women in both the public and private spheres of life.

The Government of Turkey is appreciative of the efforts and the invaluable work of the Committee on the Elimination of Discrimination against Women and looks forward to a fruitful dialogue during the review of Turkey's 3rd and 4thcombined report.

The Concept of Discrimination against Women

Article 1. *For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.*

The Convention on the Elimination of All Forms of Discrimination against Women was signed by the Government of Turkey in 1985 and ratified in 1986 with certain reservations, since Articles 15 (paragraphs 2 and 4) and 16 (paragraphs 1/c through 1/g) of the Convention were incompatible with the Family Law section of the Turkish Civil Code, particularly those pertaining to women's legal capacity, such as; right to enter into contractual relationships; responsibilities concerning children; and choice of domicile, family name, work and

job. These reservations were withdrawn on September 1999 in the light of the review and amendment of the Civil Code. The Optional Protocol to the Convention, which was signed on 8 September 2000, was ratified on 30 July 2002. The Protocol will go into force in January 2003. By adopting the Optional Protocol, Turkish Government has strongly confirmed its commitment to women's advancement and full compliance with the Convention on the Elimination of All Forms of Discrimination against Women.

The review process of the Turkish Civil Code took place between the years 1993 and 2001. The discriminatory clauses have been amended in compliance with the norm of non-discrimination, thus, bringing the Civil Code in line with the Convention. The new Civil Code was adopted by the Turkish Parliament on 22 November 2001 and came into effect on 1 January 2002. Additionally, in October 2001, Article 41 of the Constitution was amended to define the family as an entity that is "based on equality between the spouses".

The Directorate General on the Status and Problems Women (DGSPW) took an active role in the long and difficult drafting process of the Civil Code and brought to the attention of the commission, mandated by the Ministry of Justice to draft the Civil Code, the issues that needed to be addressed, including the relevant suggestions of non-governmental organizations in order to eliminate discriminatory clauses and those that sustain discriminatory practices and restrict women's enjoyment of their fundamental rights and freedoms.

The new Civil Code, which is discussed in detail under Articles 15 and 16, has taken a new approach to the family and women's role within the family, thus targeting the most intimate level where gender discrimination is continually reproduced. With a more simplified and accessible language, the new law establishes equality between the spouses in several ways: the concept of the male head of the conjugal union is replaced by equal partnership where the spouses manage the matrimonial union with equal decision making authority; spouses have equal rights over the family domicile and they have equal representational powers. The concept "illegitimate children", which was used in the previous law for children born out of wedlock, has been abolished and their custody given to the mother. Minimum age of marriage is raised and equalized for both sexes. The most significant amendment under the new Civil Code is the Regime Regarding the Ownership of Acquired Property as the legal property regime (Articles 218-241). These legislative reforms are further elaborated under Articles 15 and 16 of this report.

The review and reform of the Turkish Criminal Code, under the coordination of the Ministry of Justice, is also currently under way. The DGSPW has submitted its comments to the first draft of the amended law on the basis of a review undertaken by a special commission it established comprising of academicians and non-governmental organizations. The amendments of the Criminal Code have been finalized by the Ministry of Justice and submitted to the Office of the Prime Minister for consideration (see Article 2/g of this report).

The Ministry of Justice drafted a law (Addition of Some Articles to Turkish Criminal Code and Amendment of an Article in the Law to Combat Organized Crime) in conjunction with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The law has been adopted by the Parliament on 3 August 2002. The law criminalizes forced work, provision of involuntary services, enslavement like treatment, soliciting organ donation by way of threat, force, pressure and misuse of position, and deceit and exploitation of those who are vulnerable to engage in the smuggling, transporting, detaining and trafficking of women, children and men (see Article 6 of this report).

Law No. 4320 on the Protection of the Family, adopted to curtail domestic violence, became effective on 17 January, 1998. In view of the criticisms and problems encountered in the implementation of the law since its enactment a draft proposal to amend some articles of the law has been prepared and submitted to the Prime Ministry for consideration.

In observance with the principle of women's equal opportunity in the work place as well as in compliance with EU standards, a draft law has been prepared to regulate and equalize parental leave provisions in the existing social security systems. The draft law stipulates that the spouses may share a six month unpaid leave after delivery. The same right is granted to parents in cases of adoption. The draft law has been forwarded to the Prime Ministry for consideration. Adoption of paternity leave in the law potentially challenges the conventional notion of parenthood and the idea that rearing of children is the natural domain of women. When the law goes into force it will provide couples with alternative ways of organizing their private and work lives, with due consideration for the needs and interests of both women and men. It will also have a positive impact on reducing discriminatory practices in the world of work that often exclude women from employment or promotion since they are perceived by some employers as unreliable workers due to their reproductive functions. Additionally, children growing up in a home environment where reproductive responsibilities are shared by both parents will be socialized into more egalitarian gender roles.

Elimination of Discrimination against Women

*-**Article 2.** States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:*

(a) *To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;*

Reference is made to Turkey's second and third combined report and also to Articles 15 and 16 of this report.

States Parties shall .....ensure;

(b) *To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;*

The issue of women's advancement was part and parcel of the modernization project of the Turkish Republic at its inception. Despite many reforms in that regard, it wasn't until the 5th Five Year Development Plan (1985-1990) that women's status was addressed within development planning. The 8th Five Year Plan (2001-2005), which contains development strategies, has identified specific measures to be taken for the advancement of women. In this regard, Article 10/e institutes equal opportunity measures for women, particularly in the area of education. Further, in the section on "Legal and Organizational Restructuring", the Plan outlines the changes to be made in the Turkish Civil Code, in view of the emerging socio-economic challenges. As indicated earlier, the law has been amended and has gone into force on January 1 2002 (refer to Articles 15 and 16 of this report).

Advancement of women has become an integral part of subsequent government programmes. For example, the programme of the 57th. Government, took office after the 1999 general election, states that, "Participation of women in all productive aspects of social and economical life will be encouraged and efforts for the improvement of the status of women will be accelerated". Likewise, the current Government Programme (58th Government was established after the 3 November 2002 general election) reiterates the importance of gender equality in all spheres of life and indicates that the implementation of the principles of CEDAW is a priority agenda item in the government's policy programme.

States Parties shall…ensure;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

In Turkey's 2nd and 3rd combined report, the establishment and organization of the DGSPW, as the national mechanism for protection of women against discrimination, was elaborated. Since the last reporting, a draft law on the reorganization of the DGSPW was accepted by the relevant commissions of the parliament; however, no action so far has been taken. The draft bill, foresees the establishment of an Advisory Council for the Status of Women to serve as a mechanism for mainstreaming gender into all governmental plans and programmes. Such a Council, when established, will be instrumental in the establishment of further protective institutions.

The DGSPW, through a draft bill submitted to the Prime Ministry, has proposed a change in the decree on the internal operation of the Parliament to allow for the establishment of a "Commission on Equality between Women and Men". Currently there are 16 special commissions in the Parliament. If the proposed law is adopted, an institutional mechanism mandated to review all legislation from a gender equality perspective would be operative within the Parliament.

Another progress in this regard, is the work that is under way in the Ministry of Justice towards the establishment of an ombudsman system to oversee claims of individual damage accrued as a result of decisions and practices within the public administration system. The DGSPW has made contributions to this process.

States Parties shall……ensure;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

Reference is made to Turkey's 2nd and 3rd combined report.

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

Measures undertaken in this regard are discussed under specific articles of this report.

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

In an effort to disseminate information on and promote the new Civil Code the DGSPW, in collaboration with Governorates, bars association, and women's NGO's, held various nationwide meetings during 2002.

The reform of the Turkish Civil Code constitutes a major progress in abolishing discriminatory provision from the law and in introducing an egalitarian understanding to the family and gender relations. Some of these changes have already been mentioned, the main amendments are summarized under Articles 15 and 16 of this report. The new law will not only enhance women's rights and legal standing but it will also have a long term impact on altering perceptions, customs and practices that constitute discrimination against women.

The process of reform has been instrumental in expanding the gender equality agenda as it has stimulated debates on other relevant issues among law and policy makers and public at large. For instance, a draft bill on the establishment of family courts has been prepared and submitted to the Parliament where it is expected to be adopted shortly. Family courts, when in force, will oversee cases related to the family law and the 1998 law regulating domestic violence. The presence of such specialized courts and corresponding cadre would no doubt strengthen the capacity of the legal system to respond more effectively with regard to the norm of non-discrimination and thus minimize the constraints women encounter in legal transactions.

Further reforms are needed to amend remaining discriminatory provisions from the Constitution, the Criminal Code, the Citizenship Act, the Civil Servants Code, the Labour Code and the Social Security Code. As mentioned above, work is already under way in some of these areas. The proposed changes in the Criminal Code are discussed under 2(g). Other significant initiatives in changing discriminatory provisions are as follows:

Law on Domestic Violence

The aforementioned Law on Protection of the Family, enacted in 17 January 1998, was a positive step in dealing with issues of violence against women, which is predominantly committed within the family. The recommendations of the Committee to Turkey's previous report were instrumental in pushing forward the legislation in this regard. Before the adoption of this law, cases involving domestic violence were considered under the general provisions of the Criminal Code. This posed difficulties in the determination and punishment of such crimes due to the fact that the private sphere of the family life remained largely outside of the regulatory mechanisms of the existing legislative framework. Whereas, the new law concerning domestic violence has opened up matters once perceived as private to public concern whereby the offender is subject to various punitive measures. Such as; forcing the offender to abandon the house, confiscation of arms owned by the offender, payment of temporary alimony, ban on disturbing the family through the means of communication devices, and prohibiting the destruction of the possessions of other family members. Violation of these measures would be penalized from 3 to a maximum of 6 months of imprisonment. The law is applicable upon a complaint to the police by the victim or any other person. Since the Law on the Protection of the Family has gone into force, increasing number of cases has been reported. From 1 January 1999 to 31 December 2001, a total of 7613 domestic violence cases reached the courts, of which 7449 have been finalized.

DGSPW has prepared a brochure introducing the provisions of the law and disseminated it nationwide. It is also monitoring the implementation of the law. In this regard, proposed amendments have been submitted to the Office of the Prime Minister for consideration. In addition, on 15 November 2002, the Ministry of Justice has issued a manual by-law, providing guidelines for the interpretation and implementation of the law.

Women's Chastity

One of the most controversial issues in Turkey in the past decade has been the issue of virginity tests, which is regarded as a gross violation of women's human rights, her sexuality and Article 17 of the Turkish Constitution. The latter states that, with the exception of medical requirements and circumstances delineated in legislation, no one's bodily integrity may be violated. Various provisions in the law have been used in the past to justify enforced virginity testing. One such statute has been the Awards and Discipline in the High School Education Institutions of the Ministry of Education, which came into effect on 31 January 1995. The statute stated that the "proof of unchastity" is a valid reason for expulsion from the formal educational system. Virginity testing was often the method by which the necessary evidence was produced. As a result of pressures

from women's groups and public debate, with the recommendation of the DGSPW, the Ministry of Education has removed the reference to "unchastity" from the revised statute on 26 February 2002, thus, eliminating a gross gender based discrimination.

Prior to this, on 13 January 1999, the Ministry of Justice, in response to protests and public pressure, issued a statute banning the bodily examination of women for reasons of disciplinary punishment against their consent or in a manner which will hurt or torment them. The statute eliminated virginity testing by distinguishing it from the legally required vaginal or anal examinations under conditions of rape, sexual conduct with minors, and encouraging or acting as an intermediary for prostitution. In such circumstances, if deemed necessary, the judge may order vaginal or anal examinations without the consent of the woman. However, the judicial decree needs to be accompanied by written approval from the public prosecutor.

Maternity Related Laws

Maternity leave and related issues are regulated by the Public Servants Law and the Labour Law. The former grants 3 weeks of leave before the delivery, 6 weeks of paid and a year of unpaid leave after delivery. The Labour Law, on the other hand, grants 6 weeks of maternity leave before delivery, 6 weeks of paid and 6 months of unpaid leave after delivery. A draft law prepared by DGSPW has been submitted to the Prime Ministry that aims to bring about compatibility of rights under the two regulatory mechanisms. Moreover, the draft bill recommends the replacement of maternity leave with parental leave, granting of parental leave rights to parents in situations of adoption and full involvement of the father in the care and raising of the children.

Job Security

The articles in the Labour Code and other relevant laws, pertaining to job security have been amended and are expected to go into force on 15 March 2003. In accordance with the amendments, work contract cannot be terminated due to membership and participation in unionized activities, taking the employer to court for violation of terms of contract and work regulations. The amended law also protects the employee against all forms of discrimination on the basis of race, sex, marital status, family responsibilities, pregnancy, religion, political opinion and social and ethnic origin. In cases involving termination of a contract, the employer is obligated to provide a written justification of the reasons for the termination and in the event of a dispute, the burden of proof falls on the employer.

States Parties shall……ensure;

(g) To repeal all national penal provisions which constitute discrimination against women.

The Ministry of Justice has forwarded a draft bill with amendments to the Criminal Code to the Prime Ministry on 9 October 2002. Among the proposed changes are:

- Acts of torture are defined as independent offences committed by an individual. Such acts that are committed against minors under 18 years of age and against a spouse are considered as factors that intensify the magnitude of the offence, therefore, a ground for heavier penalty;
- Removal of Article 423, which criminalizes the violation of virginity under the pretext of marriage;
- Removal of Article 462, which provides a reduced sentence for the offender of homicide or assault and battery cases that involve adultery or illegitimate sexual intercourse of spouse, sister, brother or other kin, without any reasonable doubt;

- Consideration of "psychological pressure" as act of force in rape or attempted rape cases;
- Defining "crimes against sexual integrity" as crimes against the individual rather than crime against public decency;
- Inclusion of a provision relating to marital rape;
- While punishment of rape varies according to the age of the victim, heaviest penalty is foreseen for sexual crimes committed against children under 12 years of age;
- Removal of distinction based on the marital status of women who are victims of abduction with sexual intend;
- In sexual crimes, the sentence is suspended when the victim marries the offender; but the draft changes this situation and brings the provision that the judge will first listen to the victim and the offender and s/he will only suspend the sentence if he/she is convinced that both of the parties are willing to marry on their free will. When there are more than one offenders and one of them marries the victim, the provision about the suspension of the sentence for the otners remain unchanged;
- In crimes of rape, the usage of anything apart from the "sexual extremities" is also considered as rape;
- An article of the Criminal Code pertaining to Crimes against Job and Freedom of Work has been amendment as part of the EU Accession Package, adopted by the parliament on 3 August 2002. With this amendment, detailed regulatory provisions and increased punishment are introduced for organized trafficking.

The proposed amendments summarized above represent a significant break from the patriarchal understanding of sexuality which is reflected in the current law, where crimes of sexual assault against women and girls are treated as felonies against public decency and family order. By adopting the notions of sexual offences as crimes against the individual, the draft bill will not only enhance justice but it will eventually also contribute towards challenging the notion of honour in Turkish society which is still intimately connected to women's sexuality and which is a primary factor underlying gender based discrimination.

Reference was made in Turkey's previous report that, Article 441 in the Criminal Code regulating male adultery was cancelled in 1996 by the Constitutional Court on the ground that it violated the constitutional principle of equality. Since a new law was not prepared within the legal duration of one year, male adultery by default ceased to being a crime under the law. While, on the other hand, adultery of women, regulated by Article 440, remained effective. On 23 June 1998, the Constitution Court annulled the latter, thus correcting the existing inconsistency. Consequently, adultery does not constitute a crime in Turkish law, but it may constitute a ground for divorce according to the Civil Code (Article 161). Filing for divorce on the grounds of infidelity entitles the injured party to claim general damages (Article 174 of the Civil Code).

Development and Advancement of Women

Article 3. *States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.*

The development and advancement of women has been part and parcel of the modernization endeavours of the Turkish Republic since its creation. In this process, as described in earlier reports, Turkish women were granted many of their civil liberties relatively early by world standards. As aforementioned, since the 5th Five Year Development Plan (1985-90), women's issues have been identified as an independent area of concern for development policy and planning. As discussed under Article 14 of this report, women are defined as priority target groups in development projects to bridge the existing regional and sectoral gaps.

In observance of international standards, Turkey has become party to CEDAW and the Optional Protocol as well as the Convention on the Rights of the Child, and other relevant international agreements, including those related to ILO, OECD, Council of Europe, Organization for Security and Cooperation in Europe, among others. Turkey also supports all regional and global equality and human rights initiatives and participates in relevant international platforms.

In November 1997, Turkey hosted the Council of Europe, 4th European Ministerial Conference for Gender Equality in Istanbul. The theme of the Conference was "Democracy and Gender Equality". Discussions proceeded within the context of two sub-themes: "Gender Equality as a Basic Criterion of Democracy" and "Achievement of Gender Equality in Democratic Society: the Role of Men". The Conference ended with the adoption of "Istanbul Declaration" as a contribution to guide gender equality policies.

Turkey supports and participates actively in all initiatives and efforts of the UN General Assembly, Economic and Social Council and the Commission on the Status of Women, to promote and safeguard women's human rights. In this regard, the DGSPW worked closely with non-governmental organizations in the preparation for the Beijing+5 process. An official delegation, composed of representatives of governmental and non-governmental organizations, actively participated in both the Beijing+5 regional prepatory meeting at ECE as well as the special session of the UN General Assembly on "Women 2000: Gender equality, development and peace in the 21st century". The Turkish delegation made significant contributions to the negotiation of the Beijing+5 final outcome document, particularly with regard to issues such as reproductive rights, honour crimes and forced and early marriages.

On 6-9 November 2001, the Directorate General hosted an expert group meeting on "Environment Management and Mitigation of Natural Disasters: a Gender Perspective" in collaboration with the United Nations Division for the Advancement of Women. The meeting was held in conjunction with the 46th session of the Commission on the Status of Women, which took up the issue of natural disasters.

At the national level, one of the most significant contributions to the development and advancement of women has been in the area of generation and dissemination of sex-disaggregated data. State Institute of Statistics is the main agency responsible for statistical data on human resources in Turkey. The database on gender statistics and indicators, which is compiled by the Division of Statistics on Social Structure and Women of the Institute, provides reliable and updated data for policy formulation as well as monitoring and evaluation of development programmes.

In 1998, the DGSPW and the Division of Statistics on Women collaborated on a project supported by UNDP to develop a gender statistics and indicators database, focusing particularly on, demography, family structure, education and employment. The database is accessible through the website of the State Institute of

Statistics (www.die.gov.tr). In accordance with the recommendation contained in the GOT (Government of Turkey)-UNICEF Cooperation Programme for 2001-2005, work is underway to consolidate the Women Statistics and Indicators database and Children Information Network database to allow for a more efficient monitoring of the compliance with both the Convention on the Rights of the Child and the Convention on Elimination of All Forms of Discrimination against Women.

Parallel to these developments, the State Institute of Statistics is revising its data collection approaches from a gender perspective and developing participatory research and project implementation methodologies.

Acceleration of Equality between Women and Men

Article 4. 1. *Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved[1].*

4. 2. *Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.*

Reference is made to Turkey's 2nd and 3rd combined report.

As indicated in Turkey's previous report Halk Bank and Vakıflar Bank launched a "Special Women's Credit Programme" to ensure women's participation in development and to encourage them to venture into entrepreneurial activities. These programmes are continuing.

See Article 7 of this report for special measures adopted by political parties to enhance women's political participation.

Provisions for the protection of women workers in the 1475 Labour Law have been expanded and included in the draft Work Law (4857). The draft law stipulates that work contract cannot be terminated due to pregnancy and delivery (Article 18); that direct or indirect discriminatory treatment cannot be applied due to sex and pregnancy (Article 5); that the duration of the legal maternity leave shall be counted as worked time; and that women workers may nurse their baby during work hours (Article 66).

There are specific laws listing the places where women cannot work. Women of all ages cannot be employed to work underground or underwater (Artitcle 72). The law also stipulates that if deemed necessary by a physician, pregnant women shall perform light tasks and this shall not be ground for reduced wage (Article 74).

The law defines the arduous and dangerous work situations (Article 85) and night shift conditions (73) under which women cannot work.. The regulations in this regard shall be determined jointly by the Ministries of Health and Labour and Social Security.

According to the draft law, a worker who encounters sexual abuse or harassment in the work place may terminate her contract without prior notice and be eligible to claim both redundancy payment and general damages. The Criminal Code provides the legal framework within which sexual harassment cases may be pursued in court.

Sex Roles and Stereotyping

Article 5. *States Parties shall take all appropriate measures:*

(a) *To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;*

Mainstreaming a gender perspective to all policies, plans and programmes in Turkey is an ongoing endeavour to eliminate prejudices and practices that sustain negative gender stereotyping; however, the process is still in its initial stage. The DGSPW aims at formulating and implementing its programmes and activities in collaboration and coordination with other governmental entities, non-governmental organizations and gender and women's studies and research centres and programmes within universities as well as other relevant organizations.

DGSPW established communication networks within all relevant ministries in order to promote and encourage gender sensitive policies and programmes throughout the public sector. A good practice that has emanated from this initiative is the creation of status of women focal points within Governor's offices at the provincial level. Since 1998, although only 14 such focal points have been established and although they are by and large under staffed and under financed, the focal points have been instrumental in decentralizing the gender equality policies and programmes promoted by the national machinery and have become centres through which information becomes disseminated to the periphery, thus contributing to gender sensitization in eliminating negative stereotypes about women in the more traditional provincial areas.

Academic Institutions for Gender Research and Training

Academic institutions, particularly through the activities of gender and women's studies programmes and centres, play a major role in shaping public opinion regarding human rights and equality of women. Basically there are two types of such entities within the universities: (i) inter-disciplinary graduate programmes, which undertake research and offer masters degrees on women's studies. Currently there are four graduate programmes in various universities in the country; (ii) research and implementation centers for women's problems, which in addition to degree programmes also offer training programmes. Since mid-90's, the number of such centers has reached 14. The Higher Education Council has been actively promoting the creation of such centers in the universities. DGSPW provided financial support to the establishment of some of these programmes/centers.

These academic entities provide gender sensitive education to young professionals, generate knowledge on status of women and gender relations, mainstream a gender perspective within academia, contribute to policy formation, organize training workshops and seminars for public and private actors involved in women's issues, such as the security forces, legal personnel, members of non-governmental organizations, among others, and through advocacy raise consciousness in society about women's human rights and equality. Some of the faculty in these institutions are actively involved in the

international gender platform, thus contributing to the global gender agenda and also facilitating the domestic compliance with international gender equality norms. Through their personal research, publications and participation in international conferences, the feminist academics contribute to the literature both in terms of theory, method and the specifics of the situation of women in Turkey.

The women's research and training programmes and centers are encountering financial bottlenecks. They rely mainly on multilateral and lateral donor funds to undertake projects and other extra-curricular activities. DGSPW, itself funded to a large extent by external sources, has extended financial support to research and training activities of these academic institutions. The technical support of the United Nations Development Programme (UNDP) has been a major source of funding that enabled the Directorate General to support such initiatives over the years.

Sexism in the Media

The media continues to produce and perpetuate sex role stereotyping that is discriminatory towards women. Aside from objectifying women's body, the media represents men and women in their conventional sex roles, where women are often projected as de-sexualized mothers and household managers, and men as professionals and the representatives of power and authority.

However, with the maturation of the women's movements after 1990s and the impact of the national machinery for women as well as the women's studies programmes, sexism in media – both in terms of representation of women and participation of women as professionals in the various media organizations – has become more visible and a topic of debate and research. The number of scholarly publications and student dissertations that analyze the sexist codes in the production of news, advertisements etc., in print and visual media has systematically increased, giving the issue greater visibility. The increased visibility of the problem of sexism in the media must also be attributed to role of the magazine Monday, a Newspaper for Women, which is published since 1995 by the Foundation for Woman, Culture and Communication. Unlike the short lived experiences of other feminist publications, Monday succeeded in maintaining a bi-monthly publication since 1995 and became the first and only feminist publication with a nationwide distribution network.

The fact that women are grossly unrepresented in the various sectors of the media also contributes to the persistence of sexism of the sector. However, with the increase in the number of private media companies during the last decade, the number of women working, particularly in the TV and movie industry, has increased. Yet, proportion of women in managerial positions is still at insignificant levels. Sex-disaggregated data on employees in the different sectors of the media is scarce. Therefore, reference can be made to only some fragmented sources of information. For example, women held only 1,873 of the 11,322 yellow ID cards given to journalists on June 2000; in the autonomous Turkish Radio and Television Institution (TRT), women make up 2,030 of the 8,180 personnel, and 116 of the 214 managerial posts. In the latter, women are concentrated mainly in middle management and they make up only 1 % of the high-level management posts. The annual ratio of women oriented programmes on TRT television channels is 6.9 %, and on the radio channels it is 15-17%.

Violence against Women

Violence against women is an important issue that effects, directly or indirectly, large segments of the society and urgent measures are required to curtail and eliminate it. The persistence of violence can be attributed to many factors, including difficulties in the implementation of laws and regulations that prohibit such acts, lack of awareness and knowledge of the existing regulations and mechanisms, lack of effective measures to deal with the underlying causes of the problem and provocative role the media continues to display in covering acts of violence.

Among the existing support and aid mechanisms for women subject to violence, the following are most noteworthy:

(1) Counseling Centres and Shelters

The issue of violence against women became a public agenda item thanks to the efforts of the women's movement in Turkey. Through extensive no violence campaigns and women's human rights advocacy, they played an important role in increasing public awareness on violence against women as well as in informing women of the availability of the existing laws and mechanisms in this regard.

Non-governmental organizations, as part of their mandate to eliminate violence against women, conduct research and gather data on violence and develop problem solving strategies to respond to physical, psychological, social, financial and legal problems arising as a result of incidence of violence. Within this context, they provide counselling services and shelter for battered women. While two women's shelters that were opened by NGO's had to close down due to financial constraints, the number of NGO counselling centres increased from 3 in 1995 to 8 in 2000. On the other hand, guidance and counselling services are also offered by the Provincial Social Services Directorates of the 81 provinces as well as by the DGSPW.

The DGSPW and the Directorate General of Social Services and Child Protection Institute (SHÇEK) are mandated to develop national policies and plans for governmental services and programmes to eradicate violence against women and children.

The SHÇEK provide services for battered women or those who are at risk of encountering violence through the guest houses for women. While the numbers of the women's guest houses are limited, they do provide sanctuary and therapeutic services to women and their children, if any, within the confines of the budget allocations. Eight of the nine guest houses for abused women, are operated by the SHÇEK. From 1995 to 2002, total of 3,139 women and 2,609 dependant children were housed in these shelters and 541 women were placed in a job. A municipality in Istanbul operates one women's guesthouse.

In addition, women and girls who are subject to violence are also reached through various community centres, family consultation centres, daycare centres, orphanages, rehabilitation centres, retirement houses, among others, where they also provide support in kind and in cash. Shelter for abused women is relatively a new initiative in Turkey, particularly for the public sector. Work is under way to enhance and expand the capacity of shelters, including housing for under-aged and unwed mothers. Furthermore, a direct phone line for women is currently in service in 21 provinces, providing psychological, legal and financial counselling for battered women or those who are under threat of violence.

Similar services to assist female children, who have encountered physical, emotional or sexual abuse, have not yet been institutionalized. Further work needs to be done in this regard.

(2) Education and Training

Training of security forces, health care personnel and other public servants who deal with women subjected to violence, and educating women and girls of their legal rights is another high priority goal in the fight against violence against women. The DGSPW, aside form its own programmes, also collaborates with NGOs working in this field. In this context, 14 spot videos and 3 short movies about violence against women and centres for battered women have been prepared.

The SHÇEK has also undertaken training programmes in collaboration with non-governmental organizations. Since 1998, half day weekly courses on women's human rights are offered for three month periods, which aim to increase the awareness of women and girls of their rights and enhance their self image and capacity for self protection. Other training programmes include Mother-Child Education Programme (since 1995), Adult Literacy Programme and Father Support Programme, both launched on 14 May 1998.

Since 1999, there has been an extensive effort, on the part of the government as well as NGO's, to open a public debate on the issue of honour crimes. In this regard, various expert panels have been organized to discuss this most violent act committed under the pretext of culture and the insufficiencies in how the legal system handles such phenomenon. On 25 November 2000, International Day against Violence against Women, a panel discussion was organized in the Southeast Anatolian Region, –where honour crimes continue to find cultural legitimization. Proceedings of the panel discussions have been published and disseminated to all public authorities, universities and made available to others upon request. It is also worth mentioning that sensitivity towards honour crimes in the media has recently become quite pronounced. Incidents of honour crimes are extensively covered and reported on the front page of newspapers.

Since 1998, women's NGO's have been organizing an annual Congress on Shelter for Women to raise public awareness of the importance of shelters as institutional mechanisms in the fight against violence against women, to mobilize support for the establishment of shelters and counselling centres for women who are victims of violence. Governmental organizations also participate in these meetings.

Education and counseling activities are also provided by the commissions on women's legislation which are organized within the bars associations in 28 provinces. In May 1999, these commissions set up the Turkish Bars Women's Commissions Network, in order to work more effectively. Educational and counselling activities and identifying gender discriminatory provisions in regulatory mechanisms and initiating corrective measures, are among the activities of the commissions on women's legislation.

States Parties shall;

(b) Ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

The SHÇEK is mandated to provide, needy children and families, support in kind or in cash, daycare centres, orphanages, foster family and adoption services, children and youth centres for street children and care and rehabilitation centres for handicapped children. In this context, 84 daycare centres and 104 orphanages serve approximately 18,000 children. In addition, counseling, education and rehabilitation services are available for working and/or street children and their families in 22 Child and Youth Centres. Within the same context, work is under way to establish a special centre for girls engaged in prostitution.

In 1998, the Family Research Institute, another public sector institution, initiated a Mother-Father School Project, which offers seminars to parents on raising and education of children, parental roles and attitudes and consciousness raising on, diverse issues, including early marriages, marriage among relatives, negative attitudes towards girls, drug and substance use, pregnancy, infertility, pre-natal care, infant and child care, adolescence, adulthood, ageing, personality development, sexuality, and impact of divorce and domestic conflicts on children, etc. These seminars were broadcasted on public TV for a month, thus reaching a larger segment of the population.

Exploitation of Women

Article 6. *States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.*

Global restructuring has uprooted people from their conventional sources of livelihood around the world. In the process, many women became pushed into prostitution as a source of earning a living. Transnational crime networks have capitalized on prostitution as a lucrative business organized across national borders. As a result, increasing number of women and girls are trafficked all over the world for purposes of sexual exploitation by these networks. In the past two decades, Turkey has become both a transit and a target country for such prostitution. This poses serious problems from the point of view of public order, human rights of trafficked women and spread of sexually transmitted disease, among others.

The process, which initially started in the form of "luggage trade", that is to say, foreign women entering the country as a tourist to buy and sell goods, quickly turned into organized forms of activities, including prostitution. Easy access to Turkish citizenship of a foreign woman marrying a Turkish man led to arranged marriages, which allowed trafficking rings to operate with ease in Turkey. However, this situation eventually became a public concern which has prompted the authorities to amend the citizenship law (see Article 9 of this report).

The fact that Turkey does not have special regulatory mechanisms and the standards required to combat human trafficking makes it an easy target. Furthermore, the lack of effective punitive regulations and measures, the inadequacy of legal brothels and societal taboos with regard to sexuality are factors that account for the increase in transnational forms of prostitution.

Trafficking in women for purposes of sexual exploitation and transnational prostitution are dealt with in reference to the existing the articles of the Criminal Code that regulates prostitution and the law on foreign nationals. Both legislative frameworks, however, are limited in scope and fall short of addressing the issue in a comprehensive manner.

The Criminal Code on Prostitution

Prostitution, or sex work, is legal in Turkey only if it is licensed. All provisions of the Criminal Code regulating sex work and the establishment of brothels define sex workers only as women. Women working in brothels are also covered by the social security system. Brothel owners are responsible for taking the necessary measures to prevent sexually transmitted diseases in accordance with the Public Health Law. While, sex work is legal, forcing women into prostitution and inciting and instigating prostitution is illegal and this is regulated in Articles 420, 435 and 436 of the Turkish Criminal Code.

According to Article 436, if somebody rapes, supplies, dispatches or transports a virgin or a woman younger than 21 years old on behalf of another and with the purpose of initiating prostitution, he or she is liable to prosecution even if the woman concerned gives her consent. The same offence is punished if it is committed against a virgin or a woman older than 21 years old by using force and violence or by threat or deception.

The Laws on Foreign Nationals

According to the Turkish Passport Law 5682 (Article 8, paragraph 6) prostitutes, persons who make a living by marketing prostitutes, traffickers in women and all smugglers are not allowed to enter Turkey.

Law number 5683, on Travel and Residence of Foreign National in Turkey, authorizes the Ministry of Internal Affairs to deport foreigners who are believed to be dangerous to public security and those who act in violation of political and administrative necessities. Article 7 of the same law, states that foreigners who behave in contradiction with social traditions and laws of the country will not be allowed to reside in Turkey.

Therefore, a foreign national who engages in prostitution will not be punished when apprehended but will be subject to medical examination to determine the existence of sexually transmitted diseases, and then deported as prescribed by the law. Deportation is not possible in the case of foreign women who have obtained a Turkish citizenship by way of marriage. A draft bill is before the parliament that introduces a three year waiting period before eligibility of citizenship for a foreign national marrying a Turkish citizen. (Please refer to Article 9 of this report.)

Other Measures

In 2001 the General Directorate of Security has issued a circular indicating that, organized crime groups rather than the victims of trafficking would be pursued and tried in State Security Courts.

As mentioned in Article 1 of this report, the Ministry of Justice in 2002 enacted a law on Addition of Some Articles to Turkish Criminal Code and Amendment of an Article in the Law on Combating Organized Crime as an effort to enhance the implementation of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. This law, by defining trafficking in human beings, including women and girls, as criminal act, has partially bridged the legislative gap in the fight against human trafficking and transnational prostitution.

Turkey, as a country of transit and target for transnational human trafficking, particularly women, strongly believes that international cooperation is essential for combating such crimes and in this regard, actively participates in and supports all relevant international initiatives. Turkey, in addition to the above-mentioned Convention and its Protocol, has also signed the Protocol against the Smuggling of Migrants by Land, Sea and Air on 13 December 2000. The Convention and its Protocols are the most comprehensive international documents available for the protection of human rights of victims of human trafficking and in outlining the measures needed for its elimination.

As a result of the recent efforts to curtail human trafficking, including in women, there has been a noticeable decrease in the number of transnational prostitution and an increase in the number of organized trafficking networks that are apprehended. For instance, between 1996 and 2002 total of 23,422 foreign nationals engaged in prostitution have been deported from Turkey and in 2000 and 2001 the number of trafficking organizers apprehended is 850 and 1155 respectively.

Political and Public Life

***Article** 7. States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:*

***(a)** To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;*

***(b)** To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;*

***(c)** To participate in non-governmental organizations and associations concerned with the public and political life of the country.*

Although there are no legal obstacles for the participation of women in formal politics, this has been an area where progress has been slow and insignificant. Nonetheless, an update of the information presented in the previous report with regard to Article 7, will be provided here.

As the women's movement in the past two decades gained greater public recognition and made an impact on creating a gender equality agenda, political parties became more interested in engaging in and including gender equality issues into their party policy, programmes and election campaigns. While this was perceived to be a good strategy to attract public attention and support, initiatives in this regard did not serve to expand political space for women. For instance, although some parties set quotas for administrative organs of their party, in practice these quotas remained trivial and insufficient in increasing women's representation in the parliament. Only one party represented in the parliament implemented a 10% quota for women. Other three parties with quotas of 25% to 35 % are not represented in the parliament, therefore, they are ineffective. Quota system has not been used by political parties in determining their candidate lists.

After 1995, with the removal of ban on women's branches of political parties, these entities became reactivated. However, women's branches of political parties tend to function as support mechanisms for the mainstream party organization rather than as autonomous political organs to facilitate the empowerment of women and prepare them for active participation. Furthermore, due to the

highly centralized and hierarchical structure of the political party system, the parties by laws that regulate women's branches tend to restrict democratic governance and women's access to decision making processes. Currently, there is only in one party, where the leadership in the women's branch is elected to office. Similarly, the women's political party branches also lack financial autonomy as they neither have an independent budget nor the power to authorize spending.

In the 1999 elections, 23 women were elected to the parliament, increasing women's representation form 2.4 % to 4 %. In the last election that took place on 3 November 2002, 24 women entered the parliament, bringing the overall percentage to 4.6. Since 1997, number of female cabinet members in the various governments did not exceed two. There is only one minister in the current government.

Women's representation in local government is also low; although, increases have occurred in the 1999 elections. For example, number of women in mayoral positions increased from 15 in 1994 to 20 in 1999 and over the same period, the number of women in municipal assemblies increased from 338 to 540, and the number of women in Provincial General Assemblies increased from 33 to 44. These figures are quite meager when considered within the overall figures at the national level (6 ‰ for mayor and 1.5 % for all elected women).

The number of women civil servants showed a slight increase over the years, reaching a ratio of 33.1%. According to a 1996 publication, 27.5% of middle and high-level decision making positions within the public administration are women, which is compatible with their overall representation.

Comprehensive and reliable data on women's participation in the private sector and other civil organizations is lacking. However, fragmented information based on observations and limited studies show that the situation is not too different from other sectors. Women's non-governmental organizations have traditionally been concentrated in charity and service oriented activities. Since the mid-1990's, however, there has been a diversification in the kind of women's voluntary organizations. Although still in small numbers, there is a visible presence of women's NGO's in the area of women's human rights, operating as advocacy and pressure groups for engendering the public policy, lobbying for legislative change and working towards compliance with international gender equality standards. Thus, there is clear indication that a paradigm shift in the activities of non-governmental organization is taking place. A good practice in this regard, is a campaign initiated by a women's NGO in collaboration with Ankara University Research and Training Center for Women's Problems, entitled Gender, Woman and Politics. Within the context of this campaign, the year 2000 was declared as the year of solidarity with women politicians, training material on political participation was produced and 80 trainers and 3,050 women from political parties and NGO's were given gender training.

International Representation and Participation

Article 8. *States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.*

Women and men have equal rights to represent Turkey abroad, however, progress in this regard has been slow. A woman in high representational positions in the Turkish Ministry of Foreign Affairs continues to be considerably low. In 2002 there were 10 women ambassadors, 22 undersecretaries, 4 consul generals, 1 vice consul general, and 9 vice consuls.

Representation of Turkish women in international organizations, on the other hand, has been impressive, particularly at the relatively high positions; these are: WHO Headquarters, Executive Director of Family and Reproductive Health (1995-1998); WHO Hq. Political Senior Advisor (1998-2000); WHO Hq., Executive Director for Family and Community Health (October 2000-); Director of INSTRAW at D-2 level (1971-1999); Director of DAW at D-2 level (1999-2001); currently, of the 6 D-1 level posts occupied by Turkish nationals at the UN Secretariat, two are women and 5 of the remaining 9 professional posts held by Turkish nationals are women; a Turkish women also served as a member of INSTRAW Board of Trustees (1995-2001) and its president between 1996 and 1997; currently, another Turkish women is serving on the INSTRAW Board (2001 -); since 1997 a Turkish woman has been serving as an independent expert on the Committee on the Elimination of Discrimination against Women and its Deputy Chair since 2001 (she is the second Turkish women to serve on the Committee). There are a number of Turkish women who serve on various committees and advisory boards of the entities of the UN and the Council of Europe.

Women are also represented on Turkish delegations that attend international and regional meetings. Turkey participated in the General Assembly special session on Beijing + 5 as well as its regional meetings, with a high level delegation of women representing both the state as well as the civil society. Likewise, participation of a well composed national delegation, that includes women from civil society, in the periodic meetings of the UN Commission on the Status of Women and the Council of European, Steering Committee for Equality between Women and Men, is always observed.

Nationality

Article 9. 1. *States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.*

The Turkish Citizenship Act defines the procedures of acquiring, changing and loosing nationality for women and men. As indicated in Turkey's 2nd and 3rd combined report, there are some provisions in the Citizenship Act that differentiate between women and men who are married to foreign nationals and the right to Turkish citizenship of the latter (Articles 5, 19, 42). With the removal of the reservations to Articles 15 and 16 of CEDAW and the phrase "head of the family" from the Civil Code, amendments in the Citizenship Act have also gained urgency. A new draft law, which removes the existing inequalities, is currently before the parliament for consideration.

According to the draft law, a foreigner married to a Turkish citizen for a minimum of 3 years, will be qualified to apply for citizenship pending approval of the Ministry of Interior. The draft law also stipulates that, citizenship will be granted to the foreign spouse who is stateless or looses her/his native citizenship as a result of this marriage.

9.2. *States Parties shall grant women equal rights with men with respect to the nationality of their children.*

Reference is made to Turkey's 2nd and 3rd combined report.

Since the previous reporting, Article 66 of the Constitution, which states, "The child of Turkish father or a Turkish mother is a Turk. The citizenship of a child of a foreign father and a Turkish mother shall be defined by law", was amended in 2001. By the removal of the second sentence from the law, the pre-existing inequality has been eliminated. The change is effective as of 17 October 2001.

Education

Article 10. *States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:*

(a) *The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in preschool, general, technical, professional and higher technical education, as well as in all types of vocational training;*

Secular education has been a primary and central institution to the process of nation building in Turkey. Consequently, equal opportunities in education, in general, and the education of women, in particular, are secured as legal rights in the law. This is reflected in the Equality of Opportunity section of the Basic National Education Act, which states that, opportunity of education is equal for all women and men and institutions of education are open for everyone, regardless of language, religion, race and sex. Thus, there are no legal impediments to exclude women and girls from accessing the right to education. However, despite considerable progress in women's education over the years, women and girls lag behind men and boys, at all levels of education. In particular, there are significant discrepancies in the literacy levels of women and men when rural-urban, regional and age differences are considered. According to 2001 data, 21.6 % of women as opposed to 5.6 % of men over 15 years of age are illiterate (Table 1).

Table 1-Non-Institutional civilian population by education status, 2001
15 years and over, Thousands

	Female	**%**	**Male**	**%**
Illiterate	4,983	**21.6**	1,275	**5.6**
Literate without any diploma	1,102	**4.8**	948	**4.1**
Primary school (five-year-education)	11,093	**48.0**	10,808	**47.1**
Primary education (eight-year-education)	471	**2.0**	608	**2.6**
Junior high school & equivalent	1,610	**7.0**	3,045	**13.3**
High school & equivalent	2,805	**12.1**	4,605	**20.1**
Higher education & university	1,036	**4.5**	1,667	**7.3**
TOTAL	23,100	**100.0**	22,956	**100.0**

Source: Household Labour Force Statistic, 2001,SIS

Persisting patriarchal values and unfavorable economic conditions adversely affect the educational status of girls. The recent economic crisis and structural adjustment policies have been an impediment to expanding the capacity of the education system. Therefore, funds allocated for education from the national budget declined from 13.2 % in 1990 to 7.2 % in 2000. The impact of the budget cuts on access to education was considerable, disproportionately effecting women and girls from low income families.

Compulsory Basic Education

The compulsory basic education in Turkey increased from 5 to 8 years of schooling in 1997 (Law 4306), consolidating primary and middle schools into one level of schooling. It was assumed, that the education reform act would have a positive impact on girls' educational attainment and their life long prospects, thus contribute towards the overall empowerment of girls and delay early marriages. Furthermore, the fact that branching to vocational technical education would be possible at a later age, the alternatives and opportunities for both boys and girls would be significantly enhanced.

It is, no doubt, too early to assess the impact of the 8 year compulsory schooling for girls education, however, according to available data significant increases in schooling rates for girls have occurred. In the last five years, enrollment rates for girls at the primary school level increased by 18 %, at secondary school level by 21 % and for boys the figures are 10 % and 15 % respectively. However, despite these increases, gender discrepancies have not been eliminated. Schooling rates for boys in compulsory basic education is near 99.9 %, but girls lag behind with 88.5 %.

Research conducted in 1999 by State Institute of Statistics, on working children in Turkey reveals a significant discrepancy in schooling rates for boys and girls aged 6 to 17, proportionately increasing at higher age groups and in rural areas (Table 2). The study also shows a strong association between school attendance of girls and boys and cost of schooling. While the families in the higher socio-economic strata tend to place equal value to the education of daughters and sons, at the lower levels, a distinct difference is observed in school attendance for boys (85.6%) and girls (76.5). Although, economic factors constrain school attendance of both boys and girls, the situation is more pronounced in the case of girls, particularly in rural areas (Table 3). The study also reveals that negative cultural values towards girls' education and lack of motivation on the part of the girls, particularly in rural areas, unavailability of a proper school, requirements to help with household chores are among other factors that account for the lower levels of school attendance for girls.

Table 2. School Attendance by Age (%)

	TURKEY	Urban	Rural
Female			
Total	**74,8**	**79.0**	**68,8**
6-11	90,5	90,4	90,7
12-14	74,4	79,8	67,3
15-17	43,6	55,2	26,4
Male			
Total	**82,7**	**84,9**	**79,5**
6-11	92,9	93.0	92,8
12-14	86,6	89,8	82,2
15-17	58,2	64,5	47,8

Source: Child Labour Survey, 1999, SIS

Table 3.Reasons of Children not Attending School (%), 1999

	Turkey		Urban		Rural	
	Femal e	Mal e	Femal e	Mal e	Femal e	Mal e
No suitable educational institution exist	**9,1**	10.7	**7.0**	9,4	**10,9**	11,9
No interested in school	**27.0**	36.5	**25,5**	35,1	**28,4**	37,8
Can not afford schooling	**25,5**	21.1	**30,2**	27,8	**21,5**	14,4
Domestic chores	**11.0**	2.7	**7,9**	0,7	**13,5**	4,9
No permission from family	**10,1**	2.4	**9.0**	1,6	**11,1**	3,2
Other	**17.3**	26.6	**20.3**	25.6	**14.7**	27.6

Source: Child Labour Survey, 1999, SIS

Ministry of Education in collaboration with non-governmental and international organizations have undertaken a number of projects that aim to enhance the full implementation of the 8 year compulsory basic education act, with special emphasis on raising awareness of the importance of girls' education, reducing gender and regional gaps in access to schooling, among others. In rural areas where the capacity of schools in small and remote villages could not be upgraded from 5 to 8 years or where schools have closed due to migration, the Ministry of Education provides bussing for students to the nearest center (a practice that exists since 1991). Alternatively, students in remote areas may attend regional boarding schools. In order to encourage families to send their daughters to attend these boarding schools, sex-segregated schools are also available. Additionally, in view of the cultural constraints over the physical mobility of girls in rural areas, "open primary school centers" have been established. A number of non-governmental organizations, including women's organizations offer various types of scholarships and assistance to encourage families to send their daughters to school.

Secondary School Education

Parallel to the developments in primary school education, secondary school attendance of girls is also on the rise. The share of female students in general lycees increased from 42.9 % in the 1996-1997 academic year and to 45.2 % in 1999-2000. Although, high school education is not compulsory, in accordance with the 8th Five Year Development Plan (2001-2005) and decisions adopted by the National Education Congress, proposals are on the table to increase compulsory basic education to 12 years.

On the other hand, gender discrimination, manifesting in terms of educational segmentation, is most vividly observed in vocational and technical high schools. This situation emanates from the nature of the structure of these types of schools, whereby students are directed to schools that provide traditional male and female occupational training. There are 1,196 Technical High Schools for Boys and 636 Technical High Schools for Girls. This segmented structure is defended on the grounds that it may provide girls from conservative families' easier access to education and offer a special niche for girls, thus serving as a sort of a quota system. This view may be partially supported by the fact that, while the proportion of female students in regular high schools increased by 3.97 % between 1993 and 1996, the increase is 29.9% for vocational technical schools during the same period.

Since 1975, it has been possible for a student of the opposite sex to attend these sex-typed technical schools. Although, sex-segregation is still observed, some encroachment does takes place. For instance, the proportion of male students in the technical schools for girls is 18.4 %, this figure is 10.3 % for girls in the schools for boys. In absolute terms this translates to 39,542 girls and 28,100 boys attending the schools designed to the opposite sex. This is significant in revealing that traditional gender norms and values can in fact be contravened.

A striking development, worth mentioning, is the high rate of attendance of female students (45.8 %) in *Imam Hatip Schools* which mainly provide training for religious professions, open only for men. While the attendance of girls in these schools shows a steady increase, the reverse is true for boys. During the 1993-94 academic year the increase rate for girls attending the *Imam Hatip Schools* was 18.8 %, in 1996-1997 it increased to 21.8% and 21.3 % in 1999-2000. For boys the figures are 20.4 %, 18.3 % and 12.6 %, respectively. While, in terms of educational attainment, the increasing enrollment of girls in these schools may be perceived as a positive indicator, issues with regard to the extent to which such an education will offer girls into non-traditional gender roles and increase their options for employment need to be seriously considered.

Higher Education

Access to university education, in Turkey, is gained through a competitive national Student Selection and Placement Exam. Performances of girls in these exams in the recent years have been impressive. In 1999 placement ratios for girls was 55.2 % and for boys 56.9 % and in 2000, girls slightly surpassed boys. However, total number of female students in higher education is still less than male students. During the 2001-2002 academic year 41.8 % of the university students were female. However, in provincial universities, female enrollment during the same period was only 37.7%. Participation of women in higher education institutions is highest in the two-year degree programmes of Open University (49.3%). Female participation rates are considerably lower than that of males at the graduate school level.

With the exception of technical disciplines and agriculture, female participation in higher education has showed a steady or a stable increase over the years. While they show comparable rates to males in areas such as natural and applied sciences, and mathematics, they exceed males in languages, educational sciences and the arts (Table 4). Despite the presence of relative gender equality at the level of higher education, on the whole, higher educations in Turkey is still a privilege accessible by a small portion of the population, within which men outnumber women.

Table 4- Undergraduate female students according to field of study (%), (2001-2002)

Fields of Study	New Admissions	Enrolment	2000-2001 Graduated
Health Sciences	46.1	42.6	44.5
Language & Literature	63.4	60.0	60.6
Faculty of Sciences & Arts	46.7	47.1	48.5
Education Sciences	57.1	55.5	50.3
Engineering & Architecture	23.4	23.2	25.7
Art	54.0	54.1	61.1

Source: 2001-2002 Academic Year Higher Education Statistics, SSPC

States Parties shall.....ensure;

b*) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;*

All schools, at the primary and secondary school levels, are subject to the same curricula and rules and procedures, which are regulated by the Ministry of Education. Quality of education, no doubt, cannot be claimed to be the same across schools, significant regional and rural-urban differences exist.

The Ministry of Education, in compliance with the law, operates free Regional Boarding Primary Schools to ensure that children of low income families and those living in remote areas are not deprived of their right to education. The numbers of such schools have increased from 153 in 1997 to 513 in 2000. 35.5 % of student body in boarding schools are girls. Female students who successfully graduate from primary boarding schools but cannot afford to continue their education are offered an opportunity to attend vocational boarding high schools free of charge.

The sex structure of the teaching staff resembles that of the student body. That is to say while female teachers comprise a large percentage of the teaching staff at initial stages of schooling, the proportion declines with higher levels of education. Similar discrepancies are observed according to rural-urban and regional distributions. These discrepancies have far reaching implication for the school enrollment of girls in the more traditional remote parts of the country.

However, at the higher education level, proportion of female academic staff has traditionally been high by world standards. According to 2001-2002 academic year data, women constitute 36.7 % of academic staff, varying by rank: 36.1 % of instructors; 29.5 % of assistant professors; 31.5 % of associate professors and 24.7 % of full professors (Table 5). Sex differentiation of academic staff also varies according to areas of specialization, showing a parallel situation to that of the university student body, as presented above. The presence of relatively high percentage of women in the academia is not reflected in the university administrative structure. Positions of faculty deanships and university presidencies continue to be occupied overwhelmingly by men.

Table 5-Percentage of Female Teaching Staff in Higher Education (%), 2001-2002

	Total	**Female**	***Female%***
Prof.	9,529	2,350	***24.7***
Assoc. Prof.	5,576	1,754	***31.5***
Asst. Prof	11,420	3,368	***29.5***
Instructor	10,976	3,958	***36.1***
Language Instructor	5,516	3,121	***56.6***
Specialist	2,309	977	***42.3***
Research Assistant	25,933	10,611	***40.9***
Translator	17	9	***52.9***
Ed. & Tng. Planner	14	6	***42.9***
TOTAL	**71,290**	**26,154**	***36.7***

Source: 2001-2002 Academic Year Higher Education Statistics, SSPC

States Parties shall….ensure;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

Gender biases and sex-role stereotyping continue to be reflected in the content of education curricula and teaching material. In order to eliminate gender biased messages from the educational curricula, the DGSPW included the issue in its work programme for 2000-2001 and in this context, supported relevant research projects, and the publication and dissemination of their outcomes.

The Ministry of Education, within the framework of reorganization of its working methods and procedures, has also identified the achievement of gender equality among its priorities. In this regard, considerable progress has been achieved in integrating a human rights perspective, particularly of women and children, into course programmes and in the process of reviewing textbooks with the view to eliminating discriminatory statements, images, and the like.

In addition, a number of projects have been launched to raise awareness on democracy and good governance. Most notable in this regard, is the Education in Democratic Citizenship project undertaken within the context of collaboration among member states of the Council of Europe. The project emphasizes the importance of gender equality and women's equal participation in decision making processes.

In accordance with a protocol signed between the State Ministry Responsible for Human Rights and Ministry of Education concerning teaching of human rights in schools, weekly curriculum of the 7th and 8th grades of the primary schools was revised in the academic year 1998-1999 so as to include the "Civic and Human Rights Education Course" one hour per week. Also since 1999, an elective course on "High School Democracy and Human Rights" is offered. In 1998, a National Committee on the Decade for Human Rights Education was established in order to implement the United Nations Decade on Human Rights Education (1995-2004). Among the documents made available in the courses other human rights initiatives are: the Convention on the Elimination of All Forms of Discrimination against Women; a list of non-governmental organizations working in the field of human rights and relevant documents on their activities.

Commissions responsible for the review of textbooks from the point of view of human rights and gender equality, do so in view of the principles of the Convention on Elimination of All Forms of Discrimination against Woman and the criteria established by the National Committee on the Decade for Human Rights Education. Among the criteria used are: observance of equal number of male and female characters in the textbooks; representation of male and female characters displaying mutual respect and equal treatment; representation of gender equality in the division of labour at home and at work; representation of women in the public sphere assuming unconventional roles in decision making and management positions; and gender balance in projecting parental roles and responsibilities.

States Parties shall.....ensure;

(d) The same opportunities to benefit from scholarships and other study grants;

During the 16th National Education Congress authorities were urged to encourage female students to apply for the exams for state scholarships and free boarding schools and urged the authorities to waive the exam fees for girls.

The distribution of scholarships of the Ministry of Education for primary and high school students shows that female students use around 36.3 % of the scholarships.

In 2001, 44.4 % of applications for student credit from the Credit and Hostels Institute were received from girls. Girls received 55.1 % of the amount that was dispersed. This represents an increase over the previous years. Similarly, 44.5 % of the students who were granted space in student housing under the authority of the Credit and Hostels Institute were girls. On the other hand, only 26 % of the private boarding facilities available for high school and university students were allocated for female students during the 2000-2001 school year.

States Parties shall....ensure;

(e) The same opportunities for access to programmes of continuing education including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

In order to bridge the gap in the male-female literacy rates and give adults the opportunity to pursue their education, the Ministry of Education offers various services. Distance education is one such service which allows school dropouts to finish their degrees and encourages them to continue to higher levels of schooling. In this context, in 1997 with the adoption of the 8 year compulsory basic education act, system of Open Schools was instituted. By 2001-2002 total of 90,906 women benefited from open primary schools, constituting 41.4 % of the total. Parallel to this, 32.6 % of those graduating from the Open Education High School and 30% of the Open Education Vocational and Technical Schools were women. Similarly, in 7 provinces there are several Open Education Centers for Girls, established to provide educational opportunities for girls in rural areas.

In addition to formal education opportunities, there are various informal adult education programmes for men and women that aim to improve literacy, awareness in citizenship and civic rights and responsibilities, vocational skills, among others. 73 % of those who attended the 237,284 courses offered since 1996 were women. However, women participants, by and large, chose to attend home economics, handicrafts and Koran courses and to a lesser extent, literacy courses. In the 34,801 literacy courses offered from 1995 to 2002, 398,329 women (52% of the total participants), became literate. This represents a significant increase over the previous period (1990-1995) where women (72,680) constituted 36% of those who attended the 7,462 courses offered.

The Support for National Education Campaign, which was launched in 2001, as a the collaborative effort of governmental and non-governmental organizations and the universities, to offer literacy, vocational and socio-cultural courses in Eastern and Southeastern regions of Turkey. Women made up, 62%, 62.4% and 52.9% respectively, of the participants in these courses.

Another initiative targeting the women in eastern part of the country is the Multipurpose Community Centers (ÇATOM's), established by the Southeastern Anatolia Project (GAP) Administration. The aim of the ÇATOM's is to integrate women in the development process in the GAP by empowering them through various training opportunities, ranging from literacy, technical skills, handicrafts to leadership skills, giving visibility to the needs and problems of women in the society and enhancing their income earning capacities. Women between the ages 14 to 50 benefit from these centers.

Another regional project is the Project for Supporting Social Development and Employment in East and Southeast Anatolia Region, which is active in 26 locations in the regions. The project started in October 2000 to deal with the educational needs of poor adults, particularly women. Total of 283,906 women and 204,201 men attended the courses offered in 2001.

The Centers for the Research and Implementation on Problems of Women, discussed under Article 5/a also offer adult education activities.

The Vocational and Technical Training Project (METGE), which was launched in 1994, has continued to provide training to enhance employment opportunities for women who never attended a school or had to drop out. In general, women attending METGE courses have tended to concentrate in areas that offer training in traditional female activities. Approximately 100,000 women and girls benefited from this programme between 1996 and 2000.

Sectoral vocational training programmes are also available through various public institutions; most notable are the Turkish Employment Authority and the Ministry of Agriculture and Rural Affairs. These programmes often involve the partnership of non-governmental organizations and international entities such as UNICEF, FAO, etc. The Ministry of Agriculture and Rural Affairs expanded the content of its Home Economics and Extension Programme in 2001, to ensure that rural women have access to production oriented extension activities. Total of 313,736 women participated in 26,097 courses and demonstrations undertaken that year.

Despite the impressive increase in women's literacy since 1997 as a result of these courses and projects, the commitment made during the Beijing Conference to eradicate illiteracy by the year 2000 could not be realized.

States Parties shall....ensure;

(f) *The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;*

Please see Article 10/e of this report.

(g) *The same opportunities to participate actively in sports and physical education;*

All students attending primary and secondary level schools are required to participate in physical education classes and in sports activities, including inter-school competitions in athletics, artistic gymnastics, basketball, folklore among others. Girls outnumber boys in some of these activities.

States Parties shall....ensure;

(h) *Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.*

The DGSPW, in close collaboration with non-governmental organizations, women's studies centers, bar associations, and local authorities, launched a campaign called Woman Meetings in the Year 2000 to disseminate information to women's groups and bring about gender awareness, on part of the wider society. Within this context, over 300 meetings, seminars and house visits were realized in various province centers and counties. Considerable numbers of women were reached through the campaign, which focused primarily on issues such as education of the girl child, reproductive health, sexually transmitted diseases, legal rights, violence against women, honour crimes, and employment related issues.

The Ministry of Education, in collaboration with non-governmental organizations and UNFPA, is implementing a project in 18 provinces to educate and raise the awareness of adolescent girls and their mothers regarding physical changes during adolescence and the related health issues. During the period from 1993 to 1998, approximately 2,150,000 and in 2000 about 1,450,000 girls and their mothers attended the various activities. Furthermore, the Health Education Centers operating under the Ministry of Education, provide information and counseling on a regular basis. In order to enhance the capacity of these centers, the Ministry, in cooperation with the Turkish Family Health and Planning Foundation, provided trainer's training to 413 teachers in 14 provinces in East and Southeast Anatolia, on mother-child health, family planning, sexually transmitted diseases and HIV/AIDS.

Employment

Article 11. 1. *States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:*

Economic policies adopted within the past decade and their socio-economic impact had significant implications for the employment of women. The export oriented growth model that shaped economic policy making, starting in 1980's, led to labour market flexibilization; drop in real wages in response to frequent cyclical crises; and expansion of the informal sector at the expense of the formal sector. As a result, the employment generation capacity of the national economy has regressed and structural unemployment continues to be a fundamental problem. In other words, the labour market bottleneck in Turkey, as in many countries today, is associated with demand rather than supply. Moreover, the weakening of labour unions further exasperates the situation for labour. Hence, these and related structural problems of the economy, constrain and impact the employment prospects for women. Therefore, an assessment of women's situation with regard to Article 11 and its sub-items need to be considered within this general framework.

States Parties shall.....ensure;

11.1 (a) The right to work as an inalienable right of all human beings;

As indicated in Turkey's previous report, the principle of the right to work is secured by the Turkish Constitution. According to Article 48 of the Constitution, all individuals have the right to work and sign a contract, and Article 49 defines work as everyone's right and responsibility and proclaims that the state shall improve working conditions and protect the workers. An amendment to the Constitution in 2001, also guarantees state protection to the unemployed.

As of 2002, Turkey is party to 40 agreements of International Labour Organization (ILO) that establish international labour rights and standards. Among those that deal with equality between women and men in the world of work are: Equal Pay for Work of Equal Value (Agreement 100); Discrimination in Employment and Profession (111), Employment Policy (1220), Development of Human Resources (142) and Elimination of Worst Forms of Child Labour (182).

States Parties shall.....ensure;

(b) *The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;*

Until recently, the labour force participation of women has shown a downward trend, dropping from 30.5% in 1995 to 25.9 % in 2000. During the same period, male participation decreased from 77.9% to 72.9 %. The primary factor that accounts for the falling rates in female labour force participation is rural to urban migration, whereby, the majority of the migrating women, who previously worked as unpaid family workers in agriculture, become housewives in the urban setting or engages in informal sector jobs. The number of housewives increased from roughly 10 million in 1995 to about 12 million in 2002. Although, with the recent changes in the Civil Code women's domestic contribution to the household economy is acknowledged, this understanding is not reflected in the labour force statistics. Likewise, income generating activities or piece work that women may engage in at home or other forms of informal sector employment, also escape formal statistics. It is estimated that women hold nearly 65 % of the informal sector jobs, whereas for men this ratio is 37.5.

The marital and educational status of women continues to be a determining factor in the patterns and levels of female workforce participation. As the education level increases, the participation of women in workforce also increases. According to 2001 data, about 70 % of women with higher education in urban areas are in the workforce, whereas only 5 % of the illiterate women are employed in the formal sector. Conversely, male employment is not so strongly linked to their level of education.

By and large, women's labour force participation continues to be highest in the agricultural sector, where they are predominantly unpaid family workers. The ratio of women as unpaid family workers dropped from 64.5 % in 1995 to 51.3 % in 2001. On the other hand, ratio of women in paid employment increased from 26.4 % to 36.1 % the self-employed increased from 9.1 % to 13.5 %, respectively.

Unemployment for women and men is a common problem, although women in urban areas experience unemployment more intensely. According to national averages in 2001 unemployment ratio for women was 7.9 % and for men 8.8.

Participation in Trade Union Activity

According to the statistics of Ministry of Labour and Social Security, the unionization of female workers increased from 39 % in 1995 to 51 % in 2001. However, participation of women in union activity is hampered by their high level of employment in the agricultural and informal sectors.

Organized labour movements, in general, have been undermined since early 1990's as a result of macro-economic policies that favour liberalization and privatization. On the other hand, the recent economic crisis, which created increased levels of unemployment, has totally weakened unionized activity. Ironically, the long awaited law that allows public servants to unionize was finally passed in 2001 and the first collective bargaining actualized in 2002. Women government employees actively participated in the processes of unionization and collective bargaining. The law on Public Servants Union does not contain any gender discriminatory provisions.

Woman Employment Promotion Project

As it was reported in Turkey's 2nd and 3rd combined report, in 1994, DGSPW launched a World Bank supported project to generate and disseminate policy oriented information to guide policy and programme initiatives for enhancing the opportunity of women's employment in all sectors of the job market, particularly in the male dominant occupations. The project, which was composed of four components: research, dissemination, documentation center, and development of gender training material, came to an end in 2000.

Since the previous report, the following activities have been undertaken:

- 13 of the 16 research projects undertaken within the context of the project have been published by DGSPW. These publications are widely used as reference material by policy makers and programme implementers;
- Research results were disseminated through various activities and means, such as, conferences, a documentary entitled *As the Woman Works*; an archive of 1000 transparencies, which is available on the KSSGM website (www.kssgm.gov.tr)

- In the 1999-2000 period, on the basis of project outcomes, policy recommendations were contributed to the work of two special expert commissions (Commission Participation of Women in Society and Commission on Working Life and Employment) established in conjunction with the prepatory process for the 8th Five Year Development Plan. As a result, the Plan draws attention to women's under representation in the urban labour force and the socio-cultural and market related factors that account for this. The Plan also outlines the measures that will be taken in line with ILO and EU standards.
- The documentation center that was established in 1996 within DGSPW is now fully functioning. As of December 2002, the center has a collection of 1,971 books, 262 manuscripts, 762 gray material and 214 reference books and materials;
- Between 1998 and 1999, a Gender Training Package, made up of 55 interactive modules have been prepared and applied on a pilot basis in the State Planning Organization, State Employment Office and a non-governmental organization, namely the Turkish Medical Association. DGSPW, in collaboration with women's research training centers, is in the process of preparing a training of trainers programme.

Employment Services for Women and the Turkish Work Institute (IŞKUR)

In 1999, the employment office has undergone a reorganization process and its mandate broadened and strengthened to prevent and/or reduce unemployment, enhance the capacity of the workforce, and encourage and support entrepreneurial initiatives. According to IŞKUR figures, in 2002 of the 464,228 unemployed, who were registered as looking for work, 84,465 (18 %) were women. Within that year, 9 % of the unemployed placed in a job were women, roughly 61 % of whom were literate and/or graduate of a 5 year primary school, 8 % graduate of a 8 year primary school, 21 % graduate of high school or equivalent, and 9 % graduate of a higher education institute.

While IŞKUR promotes non-discrimination in employment on the basis of sex, it may yield in the face of strong demand for male workers. The principle of equal opportunity in employment has been strengthened with the centralization of procedures for public sector employment for civil servants in 1999 and for labourers in 2001. Employers are required to provide a job description and placement is made on the basis of the results of a centrally administered competitive exam, which is accessible to women and men alike.

IŞKUR offers capacity building courses for unemployed persons who are actively seeking work. Over the years, roughly 75 % of the participants in these courses were women. Between 1995 and 2002, total of 1,150 women attended courses designed for establishing private enterprises. Most of the women who attended these courses were in the 18-24 age group, high school graduate and single.

States Parties shall....ensure;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

The right of free choice of profession and employment is secured by the Constitution, which proclaims that no discrimination other than the requirements of the position will be considered for public sector employment, and by the provision of the new Civil Law that states that couples are not required to seek the permission of their partner in selecting their profession and job.

In 1999, national regulations establishing objective criteria for promotion of governmental employees for lower and middle level management was adopted. These measures, by favouring competency and career based skills, have been effective in preventing and gender discrimination in promotions.

The situation in the private sector, however, is far from satisfactory. Research reveals that women who are married, pregnant or have children may be denied employment and face discrimination in promotion or access to in-service trainings. Regrettably, there are no effective regulatory mechanisms other than that of an investigation upon a complaint. In an effort to bridge the gaps in this area, work is underway in the Ministry of Work and Social Security to universalize work conditions and standards in line with EU criteria.

The right to free choice of profession and employment for the girl child was seriously violated as many girls at ages 10-11 were withdrawn from school at the end of the five year primary education. The adoption of the 8 year compulsory basic education in 1997 allowed girls to stay in school for three more years, thus expanding their option for further education and choice of occupation (see Article 10). In addition to the increase in compulsory basic education, the Turkish Government ratified the ILO Convention 138 on Minimum Age on Employment in 1998 and ILO Convention 182 on Eliminating the Worst Forms of Child Labour in 2001. As a result of these developments, the Apprenticeship and Vocational Education Act was amended to increase the minimum age of employment to 14 and regulate work conditions with particular attention to the health and educational/training opportunities for those who enter the workforce at a young age. The amended law also has regulatory provisions that apply to work that takes place in the informal sector, the street, the home as well as unpaid labour. Parallel to these improvements in the condition of child labour, efforts are intensified, within the context of ILO/IPEC project, to eliminate child labour and direct all children to pursue their education.

States parties shall.....ensure;

(d) *The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work*;

As indicated in Turkey's previous reports, the Turkish law prohibits pay discrimination on the basis of sex. Accordingly, gender based pay differentials cannot be included in work contracts and collective bargaining agreements. For instance, since 1971, the norm of non-discrimination has been observed in establishing the minimum wage level. Wages above the minimum wage and fringe benefits may be negotiated freely and without any discrimination on the basis of sex. Public servants are also protected by law from pay differentials on the basis of sex, language, race, political opinion, beliefs, religion and sect. Violation of these rights is subject to penalty.

While, the principle of equal pay for work of equal value is guaranteed under the law, there are wage/salary inequalities between women and men due to gender inequalities in educational levels, patterns of job continuity, promotion procedures etc. In both public and private sectors, since the management level jobs are occupied mainly by men, men earn 20-60 % more than women in the former and 30-150 % in the latter. Differences in wages are most salient in agriculture, livestock production, forestry and fishery, both in public and private institutions. Levels of earnings tend to be relatively equal for women and men at management level positions. While, size of establishment in the public sector is not a determinant of wage differential by sex, in the private sector, wage differentials in establishments with over 20 employees tend to favour men. For example, according to 1998 study carried out by the Turkish Confederation of Employer Unions in 258 large scale establishments subject to collective bargaining, women's net salary corresponded to 90.4 % of men's net salary. Comprehensive data on wage differentials is not available, owing to the fact that the State Institute of Statistics has not collected data on wages since 1994.

States Parties shall....ensure;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

The legal framework of the social security system was described in Turkey's 2nd and 3rd combined report. With the exception of the clause on family support, Turkey's social security system is consistent with ILO Convention 102, however:

1. The social security programmes that cover independent workers do not include maternity insurance;
2. The concept "household head", although removed from the Civil Code in 2001, continues to be a requirement in accessing social security programmes for independent agricultural workers, which disadvantage women;
3. Women's low level of participation in the formal workforce constrains their independent access to the benefits of the social security system. Being a dependent on a husband's or father's social security undermines woman's status as an individual in her own right;
4. Housewives, who lack an independent source of income, are not able to benefit from the private health insurance opportunities that became available with the adoption of the law with regard to individual retirement insurances in the year 2000;
5. The existing old age pension scheme, which is in principle available to all "needy" women and men above age 65, is insufficient in meeting the needs of the ageing population, particularly in rural areas. Old women, who tend to outlive men, are particularly vulnerable if no other source of security is available.

In theory, the existing social security systems cover all women; either directly if they work or if they do not work indirectly, through their parents, husband or children. Therefore, an improvement in women's access to social security requires expanding the employment capacity of the economy and increasing women's participation in the formal labour force. This however will not solve the problem of the discrepancies in the quality of coverage under the three main schemes in Turkey, which comprise both a health benefit and a pension system. The standardization of the social security schemes is included in the programme of the 58th Government.

Given the constraints discussed above, although there have been some increases in women's access to social security schemes over the years, the situation is far from satisfactory. Between the years from 1994 to 2001, women's ratio in the private social security system (BağKur) increased from 9.4 to 9.6; in the SSK scheme from 9.9 to 19.9 and in the system that covers public servants (Emekli Sandığı) it has increased from 30.6 % to 33.1 %.

States parties shall.....ensure;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

There are no changes in the legal regulatory mechanisms since Turkey's previous report. However, some measures have been taken to improve the work conditions and to strengthen relevant institutions.

In this respect, the Department of Occupational Health of the Ministry of Labour and Social Security has been upgraded in October 2000 as the Directorate General of Occupational Health. The Directorate General is mandated to review and change national regulations on occupational health and safety in accordance with EU standards. In conjunction with the reorganization, a new section on "risk groups" is in the process of being established within the Directorate General to deal specifically with children, women and handicapped persons.

Occupational health and working conditions are monitored by the Ministry's Work Inspection Unit and the Social Security Institute Inspection Unit. Total of 674 work inspectors, 85 of which are women, carry out regular inspections and conduct investigations upon complaints received. The social security inspectors, on the other hand, determine insurance premiums and examine occupational accidents and illnesses.

11. 2. *In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:*

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

Reference is made to Turkey's 2nd and 3rd combined report.

States Parties shall.....ensure;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

Since the previous report, the most important change with regard to the relevant legislation, is the unemployment insurance programme of 2000 , which allows the insured and his/her dependents to continue to receive maternity and health benefits during the period of unemployment (see Article 11/3 of this report).

States Parties, shall.....ensure;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

No changes have been made since Turkey's 2nd and 3rd combined report. Work inspectors continue to inspect workplaces with regard to the compliance with daycare and nursing room requirements as prescribed by law. However, the enforcement mechanisms for non-compliance are not effective.

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

Reference is made to Turkey's 2nd and 3rd combined report.

11.3. *Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.*

Establishing protective legislation related to matters covered in this article is the mandate of the Ministry of Labour and Social Security. The DGSPW works in close collaboration with the Ministry in identifying areas that need to be addressed in policy formation and legislative reforms.

Equality in Access to Health Care

Article 12.1. *States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.*

In accordance with the law (224) dating back to 1961, health services are socialized, comprising a nationwide network of Primary Health Care System. In this regard, there are over 10,000 health houses, 5,000 health centers and 400 Mother-Child Health/Family Planning Centers (MCH/FP) providing primary health care services to rural and urban dwellers free of charge, although a minimal cost may apply in some situations. While the first two institutions are located in rural and urban localities, the MCH/FPs are based in cities.

There is no gender discrimination in accessing the services of these facilities, however, the following are observed: (i) women and children are the main beneficiaries of the primary health care system. This is partially due to the fact that women often lack health insurance; therefore, the free services offered in these facilities are the only means of accessing health care for them; (ii) through domiciliary midwifery system home visits are extended to women who, due to traditional constraints on their physical mobility, cannot reach these facilities.

States Parties shall....ensure;

12.2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, ranting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Reproductive health services are provided within the context of the primary health care system, described above. The available services are concentrated mainly in safe motherhood, which entails ante-natal care, safe delivery and post-natal care and family planning.

Since 1963, a survey on Population and Health is carried out with 5 year intervals. The survey provides reliable data to monitor trends in vital health indicators and family planning practices, thus, allowing for an assessment of progress made and remaining challenges.

Progress Made in Mother-Child Health and Family Planning

The most recent data is available from the 1998 Population and Health Survey, the next survey being due in 2003. Therefore, progress in MCH/FP can be assessed by comparing select indicators according to the 1993 and 1998 survey results.

- Pre-natal care increased from 63 % in 1993 to 68 % in 1998;
- Delivery under safe conditions increased from 76 % in 1993 to 81.5 % in 1998;
- Fertility rate dropped from 2.7 in 1993 to 2.6 in 1998. Fertility rate in rural areas (3.1) is above the national average and even higher in Southeast Anatolia (4.2). Western Anatolia, on the other hand, has the lowest fertility rate with 2. These figures clearly confirm the relationship between development and fertility;
- Women and men alike are familiar with family planning methods. As a result there has been a steady increase in the prevalence in the use of these methods. In this regard, use of modern contraceptives increased from 62.6 % in 1993 to 64 % in 1998. In the 5 year period, male participation in the use of family planning methods have remained unchanged, at around 34 %;
- Induced abortion is still practiced, although at a declining rate. It is important to note that maternal mortality is rarely associated with induced abortion in Turkey. In order to bridge the gap in available services and reduce risks involved in surgical interventions, efforts are in progress to ensure the widespread implementation of the "Medical Abortion" method;
- Infant mortality rates dropped from 53 per thousand live births in 1993 to 43 per thousand in 1998, child mortality (age 5 and under) from 61 to 52 per thousand live births, respectively;
- Immunization of children is achieved at 96 %, which is reflected in zero incidence of polio since 1999. Turkey is certified by the World Health Organization as a "Polio Free" country.

Remaining Challenges

Despite some progress achieved in the area of primary mother-child health care and reproductive health, there are serious gaps in the availability of health care services, particularly between urban and rural areas and among the regions. In addition, research shows that the educational level of women is positively correlated with lower levels of fertility and improved mother child health.

The infant mortality rate, despite the decreasing levels, is still too high, as it is about 10 times higher than the rates in developed countries. The fact that neo-natal death accounts for greater portion of infant mortality is indicative that obstetric services need to be improved. Effective use of available services also requires improved levels of education, particularly of women.

As a result of unmet need in family planning, 35 % of the couples either do not use any (10 %) or an effective (25 %) family planning method even though they do not wish a pregnancy. As indicated above, induced abortion is still high; however, although accepted in Turkey, the use of post abortion contraception is quite limited. The same applies to post partum contraception.

Reproductive health services are considerably neglected for adolescents and older women. Male participation in reproductive health programmes is at insignificant levels.

Initiatives to Improve Mother-Child Health and Reproductive Health

The basic strategy in the Mother-Child Health and Family/Planning programme is to enhance the capacity of all relevant institutions. In this regard, Ministry of Health, in collaboration with the civil society and the universities, as well as international organizations, undertake numerous projects throughout the country to improve reproductive and primary mother-child health care, particularly is the less developed regions and poorer segments of the society. Among these are:

- Safe motherhood programme- aims to give on-the-job-training to reduce maternal and infant mortality rates;
- International Reproductive Health Training Center – a GOT – UNFPA initiative to provide training programmes on reproductive health to participants from Turkey, and countries of Eastern Europe, Central Asia and Africa;
- Reproductive Health Programme – implemented between 1997 and 2000 as a multi-purpose programme, including training of health professionals, family planning and contraceptive use counselling to couples and upgrading of facilities that provide primary mother-child health care to Women's Health Centers equipped with modern medical technology and surgical intervention;
- GOT – UNFPA third national programme (2001-2005) – aims to enhance reproductive health through training and awareness raising, institutional capacity building, generation of knowledge and data, among others. The project is a collaborative effort involving Ministry of Health, Ministry of Education, Science Academy of Turkey, State Planning Organization, State Institute of Statistics and DGSPW.

The State Institute of Statistics is in the process of developing gender health indicators and generating sex-disaggregated data. There are also many small pilot projects undertaken by GOT and NGOs or in collaboration, to improve primary and reproductive health care, raise public awareness on related issues, including sexually transmitted disease, curriculum development on reproductive health for university students and enhance overall access to heath care services.

Social and Economic Benefits

Article 13. *States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:*

(a) *The right to family benefits;*

The Article 203 of Civil Servants Law (657) grants family benefits to the husband even if both spouses work for the government. This is in contradiction with the new Civil Code, which has removed the concept of head of household and recognized equal representational rights of the spouses (see Article 2/f of this report). Amendments to the existing Civil Servants Law are being prepared to allow either of the spouses to claim family benefits, where there is a dispute, each spouse shall receive half of the benefits.

States Parties shall....ensure;

(b) *The right to bank loans, mortgages and other forms of financial credit;*

Since sex-disaggregated data on use of loans and credits is lacking, it is not possible to provide with any certainty a detailed account of women's access to the financial market. However, fragmented and partial information reveal that women lag behind men in this regard.

As discussed in Turkey's previous report, a small entrepreneur credit programme was launched in 1993 to support women's income generating initiatives. This programme is still active and 21,361 women benefited from it since its inception. As of May 2002, 869 women working in their home and 509 working outside have received credits to establish their business or expand it.

The Foundation for the Support of Women's Work is a non-governmental organization that provides training, credit and counseling services to women who are interested in starting their own business. Within this context, the foundation implemented a "Micro Credit Project" from 1995 to 1998 in 7 regions where they have a field office. Total of 90 women entrepreneurs were granted credit and another 150 received training. The repayment plan was based on 6 or 12 month installments with 40% subsidy per credit. The project was quite successful in that, not only a 100 % return rate was realized but the participating women in the credit scheme managed to establish or improve their business and substantially increase their income levels.

Another form of support available for women entrepreneurs is the organization of periodic fairs where women producers can exhibit and sell their products and network with other women engaged in small businesses. Many of these fairs and exhibitions are organized by women's NGOs.

KOSGEB, the Administration on Development of Small and Medium Sized Industries, also provides entrepreneurship training for individuals who are interested in starting their own business. The training programmes include, feasibility studies, preparation of work plans and basic accounting. Through their Job Development Centers, KOSGEB provides support services to the newly established businesses. Furthermore, in order to facilitate coordination of activities in this field and serve as an information databank, KOSGEB has established an entrepreneurship network over the worldwide web.

As indicated in Turkey's previous report, the DGSPW established Information Databank in 1994 to encourage and support women's entrepreneurial initiatives and assist them in marketing their handicrafts through organizing fairs and exhibitions. Between 1994 and 2000, 2,195 women participated in the latter. Within the context of the databank and in cooperation with Halk Bank, "Entrepreneurship Seminars" were held in 1997 and in 1999. Total of 60 women participated in these seminars.

Please refer to Article 14 of this report for relevant activities of the Multipurpose Community Centers (ÇATOMs) that operate in conjunction with the Southeast Anatolian Project (GAP) and other projects and programmes designed for rural women.

States Parties shall.....ensure;

c) The right to participate in recreational activities, sports and all aspects of cultural life.

One of the most festive women's cultural events that became institutionalized in Turkey is the annul women's film festival organized since 1998 by *Uçan Süpürge* (Flying Broom), which even has international followers. The festival brings to the viewers works of both Turkish and foreign directors, and opens a discussion around the films from a gender perspective. The Ministry of Culture provides financial assistance to the organization of the festival.

The first women's information center in Turkey, "Women's Library and Information Center Foundation" works in cooperation with local authorities to gather and make available in the library the works of women in different fields. Currently, there are around 10,000 books on or by women, around 5,000 Turkish or foreign language periodicals, dissertations, numerous video cassettes and posters and biographic information about women writers or artists as well as information on women's NGOs. In 2002, a bibliography of women organizations in Turkey was prepared in collaboration with the Ministry of Culture.

The Documentation Center of the DGSPW, established in 1996 with collection of books, articles, dissertations, seminar and conference proceedings, and newspaper articles, is another invaluable resource center for those working on women's issues.

The sports federations (46 in total) of the Directorate General of Youth and Sports, established women's national team and through neighborhood physical education facilities encourage the participation of girls and women in the various fields of sports. There are currently 77,746 women registered with the sports federations and 41,824 are actively preparing for competitions. While women engage in all fields of sports, there is a concentration in volleyball, basketball, taekwon-do, handball and athletics.

In recent years, several Turkish women showed significant achievements in international competitions. This not only brought about greater sensitivity on the part of public and private institutions to encourage and support women's initiatives in sports, but perhaps more importantly, they offered new role models to girls from all walks of life. Some of the more prominent ones are:

1999 – World Karate Champion; 2000 – Europe Karate Champion; World Karate Champion, third place at the Olympics in Taekwon-Do; 2002 – European Athletic Champion at 1500 meters; Brussels and Berlin Golden League in Athletics; World Athletics Champion; World Taekwon-Do Champion; Europe Taekwon-Do Champion; 3 world championships in weight lifting in various weight categories.

A woman is serving as a referee for the first and second league since 1995.

Much more needs to be done to expand cultural and sports activities and attract participation of women of all ages in these activities. Leisure time is a concept that needs to be integrated into everyday life.

Rural Women

Article 14. 1. *States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.*

Problems of rural women are closely associated with the agrarian and rural structure in Turkey. Because of fragmented and small land holdings and the falling rates of return on agricultural production, men migrate in search of work in the cities and women assume the responsibilities on the land, without necessarily having access to the required recourses, information and decision making authority. Small and scattered settlement patterns in rural areas also deprive rural women more so than men from the advantages of urban life. Situation of rural women varies regionally and between the more endowed plain villages and the seriously constrained mountain and forest villages. As indicated earlier in this report, nationally women formed 51.3 % of unpaid family workers and 61.1 % of the agricultural labour force in 2001. In the rural areas, women are exclusively employed in agriculture (90.5%), of which, over 80 % are unpaid family workers. Only small portions of women in rural areas are engaged in services (4.8%) and industry (4.7%).

14. 2. *States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:*

(a) *To participate in the elaboration and implementation of development planning at all levels;*

Turkey ranks 17th of the world's most industrialized nations but is 86th of 180 countries measured by UNDP's 1999 human development indicators. Agriculture is much less important in the economy than previously but the sector still employs 45% of the workforce, a larger portion being women. The standard of living of rural dwellers is much lower than those of urban dwellers. In addition there are substantial disparities in per capita Gross Domestic Product (GDP) among the 80 provinces.

Per capita GDP is about USD 800 in the east and is equivalent to only 29% of the national GDP of USD 2800.

Turkey's development strategy is based on planned interventions in the economically depressed regions with a view to narrowing regional disparities. One of the objectives emphasized in the 8th Five Year Development Plan is, "the creation of a more fair income distribution in order to alleviate poverty and enable the different segments of society to gain a fair share from improved welfare". Rural development projects in the public sector have been a primary instrument to realize this objective. In addition, through financial and other direct and indirect incentives, the government aims to attract private investments to underdeveloped regions.

Rural development projects, which are elaborated below under 14/d, are based on participatory approaches. Within this context, projects aim to integrate women into the design and implementation processes. Although there are still insufficiencies in this regard, much progress has been achieved and lessons learned to improve future methodologies. Gender budgeting, as a strong tool for actively integrating women into development, is still not sufficiently explored in the rural development projects so far.

States Parties shall.....ensure;

(b) To have access to adequate health care facilities, including information, counseling and services in family planning;

As it was indicated under Article 12 of this report, most villages have a health center or a health house that provide basic and mother-child health care services. This system, however, is not sufficient in responding to more demanding heath requirements of rural people, particularly women who may be at greater risk due to reproductive health complications.

The Project on Children in Need of Special Protection, which is implemented under the GOT-UNICEF Coordination Programme, is a comprehensive nationwide initiative that is expected to contribute to improved health through human capacity building in rural and urban areas alike. However, given the project's priority concerns, rural women and children are among its main target groups. This project contains 3 components: (a) Early Childhood Care, which aims to reduce infant mortality and enhance the psychological and cognitive development of children through various measures; including better nutrition, disease control, vaccination, care and education of women during and after pregnancy, and increasing the awareness of parents. This component of the project is expected to cover over 3 million families in all provinces; (b) Development and Protection of Children and Adolescents, which aims to enhance the motivation and learning capacity of children in the 6-14 age group and increase school attendance particularly of the girl child as well as to improve the health and physical growth of children and adolescents; and (c) Policy Formulation and Social Mobilization, which aims to reduce the gaps in development and improve standards of living through the promotion of decentralized governance and provision of basic services to families, particularly to children and women; promote human rights of women and children through training programmes, seminars and conferences in accordance with the CEDAW and the Convention on the Rights of the Child (CRC); develop a data network on women and children to monitor the implementation of CEDAW and CRC; and develop measures to reduce the effects of disasters on risk groups, such as infants, children and women.

Various ministries, including Agriculture and Rural Affairs, Health, Education, Internal Affairs, Justice as well as State Institute of Statistics are among the main national counterparts of this project.

States Parties shall....ensure;

(c) To benefit directly from social security programmes;

The social security system for those in the agricultural sector is far from satisfactory. The Ministry of Work and Social Security is currently examining this matter with the view to adopting a more inclusive system and standardized benefits (see Article 11 of this report).

States Parties shall....ensure;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

The Ministry of Agriculture and Rural Affairs (MARA), through its farmer education and extension programme, is mandated to provide good farming methods and introduce appropriate technology to rural communities in order to increase farm income and levels of productivity in crop and livestock production. Although women are able to benefit from these services, production oriented extension has tended to be a male activity provided by male agricultural technicians to male farmers. Extension programmes aimed at rural women have tended to concentrate on home economics courses, family nutrition handicrafts and the like.

In order to mainstream gender more effectively into its extension work, in 1997 MARA established a Women in Rural Development (WID) Section within the Directorate General of Organization and Support. The WID section serves as a central body within MARA to plan the agricultural extension and home economics programmes for rural women and monitors their implementation through the provincial and county level extension units. There are a total of 1,227 female agriculture technicians employed by MARA, which is clearly insufficient given the central role women play in agricultural production.

In addition to the farmer education and extension services provided as part of MARA's regular work programme, for the past 3 decades, planned rural development projects are implemented to focus on priority issues and areas. Public sector projects are carried out by the relevant public sector entity (such as MARA, the Ministry Forestry, GAP Administration etc.) in collaboration with international organizations, such as International Fund for Agricultural Development (IFAD), Food and Agriculture Organization (FAO), and the World Bank (WB) and bilateral donors or funding agencies, among others. Most projects involve partnership with non-governmental organizations.

Since the previous reporting, one of the most main integrated projects is the GOT – IFAD Ordu-Giresun Rural Development Project. The project started in 1999 and is expected to end in 2004. One aspect that differentiates this project from the earlier ones is that project implementation is based on a project plan prepared with the participation of the project target population, including women. In accordance with the project design, Village Development Committees, with at least one female member, are established as the implementing body at the village level. In addition, female village coordinators

are employed at the province level to ensure that woman's concerns are coordinated into project implementation at all levels.

The most comprehensive rural development project implemented in Turkey is the Southeast Anatolia Development Project, popularly known as GAP. This is an ongoing initiative that aims at reducing regional disparities by using integrated intervention strategies in 9 provinces. Since the core of the GAP project is based on large scale irrigation, considerable agricultural extension activities are involved. However, the most innovative by- product of the GAP project is the multi-purpose community centers, known as ÇATOMs, desighned to facilitate the participation of women into the development process.

ÇATOMs, were initiated by the GAP Administration in 1995 with the support of UNICEF, as a pilot project in a rural location and a shantytown of Şanlıurfa. Within a short period, the centers spread throughout the region and gained a more autonomous structure. Since 1997, ÇATOMs are managed by a team of 5 to 7 women elected by the participants themselves. As of May 2002, there were 23 ÇATOMs in 8 provinces, located in villages and neighborhoods of urban centers. They have become major centers of attraction for women of all ages, benefiting over 60,000 women in various capacity building programmes. Currently, the GAP Administration is in the process of having the centers re-evaluated in order to enhance their mandate and improve their working methods. Major activities of ÇATOM's include:

- Short courses on literacy, computer use, English language, home economics;
- Health programmes on hygiene, mother-child health and limited clinical services;
- Capacity building in management and leadership;
- Training for income generating activities, including skill attainment in handicrafts, dress designing and sawing, hairdressing, silver plating, etc.;
- Social solidarity programme in obtaining the green health card, education grants and other available social aids.

ÇATOMs reached the poorest and most invisible women in the Southeast. The success achieved through these centers in creating a momentum in their respective communities and in empowering poor women to gain access to public services has increased the interest of diverse people and institutions in the work of the centers. As a result, ÇATOMs in Şanlıurfa, Siverek and Gaziantep are now financially sponsored by the private sector. The Batman ÇATOM is supported by an NGO and the Governor's Office.

States Parties shall...ensure;

(e) *To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;*

Relevant activities are introduced within the context of MARA's regular extension and home economics programmes as well as in planned rural development projects.

Two research projects undertaken by DGSPW within the context of Women Employment Promotion Project focused on effective strategies to improve rural women's access to economic opportunities and identified policy guidelines in this regard. Both of these studies have been published and disseminated widely.

States Parties shall.....ensure;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

With the adoption of the new Civil Code and other legal reforms discussed under Article 2, all existing discriminatory provisions with regard to women's access to land has been eliminated. Therefore, there are no legal constraints to women's land ownership. However, due to customary practices, there is a tendency in some regions of the country for women to forgo their land rights in favour of their brothers. This practice is increasingly being abandoned.

State Parties shall.....ensure;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Reference is made to Turkey's 2nd and 3rd combined report

Equality before the Law and in Civil Matters

Article 15. 1. *States Parties shall accord to women equality with men before the law.*

Turkey's reservations for Articles 15 and 16 of CEDAW were removed on 20 September 1999. Changes made in the Constitution, the Civil Code and other legislation produced considerable advances in the equality of women and men before the law.

Since the previous report, amendment of Articles 41 and 66 of the Constitution, effective as of 17 October 2001, abolished the supremacy of the husband by adding to the clause "family is the basis of society" and it "relies on the equality of husband and wife" (Article 41). The amendment of Article 66, on the other hand, by removing the clause "the nationality of a child born to a Turkish mother and foreign father is regulated by law" has eliminated the pre-existing inequality between women and men.

Despite the fact that the equality between women and men is ensured by the Constitution, the actual legislative norms do not always allow for real equality. In order to ensure the constitutional basis of future equality laws, the DGSPM has submitted a draft law that foresees change in paragraph 1 of Article 10 of the Constitution. Accordingly, the insertion of the following clause is proposed: "Women and men have equal rights. The state takes all necessary measures to provide gender equality, including special temporary measures". The draft has not yet been adopted.

15. 2. *States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.*

The law ensures women and men equal legal capacity and the right to exercise that capacity. Women and men also share equal representational authority (Article 189), as well as equal entitlement to engage in legal transaction with each other or third parties (Article 193). An amendment made to the Income Tax Act in 1998 enables married women to file independent income tax declarations.

Spouses have equal rights over matters relating to the family domicile (Article 194). Neither of the spouses alone can annul a rental agreement related to the family home, transfer ownership of the house nor limit rights related to the domicile without the consent of the other partner. The right, in this regard, of the spouse who is not the legal owner of the family domicile is ensured by the law. Women, without any restriction, may purchase, manage and sell property or goods.

15.3. *States Parties agree that all contracts and all other private instruments of any kind with a legal effect, which is directed at restricting the legal capacity of women, shall be deemed null and void;* See 15.2 of Article 15 above.

15.4. *States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.*

Women, single or married, have the same rights of movements as men. A woman, carrying a valid passport, may travel abroad whenever she wishes. The spouses jointly choose the place of domicile (Article 186). The clause in the former law that established the wife's place of domicile as the domicile of her husband has been removed from the definition of legal domicile. Turkish law stipulates that spouses reside together (Article 185 of the Civil Code).

Equality in Marriage and Family Law

Article 16. ***1.*** *States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:*

(a) *The same right to enter into marriage;*

Women and men share equal right to enter into marriage under the law. Couples who wish to get married jointly apply to the marriage registry office located in the place of residence of either one of the partners and openly declare their free in the presence the official performing the marriage and two witnesses.

States Parties shall...ensure;

(b) *The same right freely to choose a spouse and to enter into marriage only with their free and full consent;*

Civil marriage is one of the fundamental principles underlying the law that regulates marriages which was adopted with the establishment of the Turkish Republic. This principle is reflected in Articles 142 and 143 of the new Civil Code. According to the law, basic condition of marriage is full and free consent of the couples getting married, weather a minor or an adult. The new law (Article 124) has raised and equalized the minimum age of marriage for both sexes. Accordingly, women and men may only get married when they complete 17 years of age, which still remains below the age of legal competence, therefore parental consent is required. While minors who have not completed 17 may get married with the permission of their legal guardian and the decision of a judge of the Court of Peace (Articles 126 and 128).

States Parties shall...ensure;

(c) *The same rights and responsibilities during marriage and at its dissolution;*

According to Article 186 of the new Civil Code, the spouses jointly make decisions regarding the marriage union and contribute to the expenditures of the family within their capability. This clause replaces and eliminates the principle, contained in the former law, that the husband, as the household head, is responsible for the sustenance of the household and the maintenance of its members, particularly, the wife and the children. The equal rights and responsibilities granted to women and men during marriage under the law are also foreseen in case of divorce. The law refers to "irretrievable breakdown of marriage", which comprises a wide range of issues that may lead either one of the spouses to file for divorce (Article 166). Additionally, the law specifies particular situations, such as, adultery, dissertation, insanity, detrimental treatment or commitment of a humiliating crime, which may provide grounds for divorce.

The personal legal status that a woman obtained during marriage, for instance nationality, is protected by the law in the event of a divorce. The law also regulates, in a non-discriminate manner, matters with regard to alimony (Articles 175 to 178) and compensation for potential or actual damages resulting from the divorce (Articles 174 and 176).

Also refer to Article 16.1(h) of this report.

States Parties shall...ensure;

(d) *The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;*

The parental authority of the children is shared equally by both parents. The clause, in the former Civil Code that gave the final authority to the father over matters related to children in the event of a disagreement between the parents, has been removed from the new law. The parental authority of children born out of wedlock belongs to the mother (Article 337) and the issue of the legitimacy of such children has been discarded from the law. In other words, the term "illegitimate" for children born out of wedlock is abolished. A child born to an unwed woman bears the mother's surname, unless there is another recognition or court ruling (Article 321).

States Parties shall...ensure;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

Please refer to Articles 12 and 14 of this report.

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

Children who have not reached majority remain in the custody of their mother and father unless this right is revoked for legal reasons in accordance with Article 335 of the Civil Code. Custody is shared equally between the parents as long as the marriage union continues. However, in the event of a divorce the judge may grant custody of the children to one of the spouses. Men do not hold any superiority over women in this respect. The parent who has not been granted custody is obligated to share with the financial requirements of raising the children. The court in view of the interests of the children determines visitation rights.

Women and men who are 30 years of age and above have the right to adopt a child as a single person or jointly as a couple married for at least five years. Unmarried couples cannot adopt jointly.

A new article added to the Civil Code stipulates that spouses are under the obligation to care for and show compassion for their young stepchildren (Article 338).

States Parties shall...ensure;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

The 1997 amendment, which allows a woman, upon marriage, to retain and use her surname in front of her husband's surname or to take on his, has been maintained in the new Civil Code (Article 187).

As indicated in Turkey's previous report, the article that required a woman to obtain permission from her husband to work outside the home was repealed in 1990. Since then, in the absence of a replacement law, women's right to work was governed only by the Constitution, which declared that every individual has the right and duty to work. This principle of the right to work has been incorporated into the new Civil Code. In accordance with Article 192, spouses are not obligated to seek permission from each other regarding choice of work or profession. There is, however, a clause in the same article, which states, "...the harmony and welfare of the marriage union should be borne in mind when choosing and performing a job or profession." Given the persistence of traditional values regarding gender relations, this clause may potentially endanger and restrain women's independent decision making, thus, leading to a discriminatory situation.

States Parties shall...ensure;

(h) *The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.*

As indicated under Article 1 of this report, the legal property regime adopted by the new Civil Code is the Regime Regarding the Ownership of Acquired Property (Articles 218-241). This regime introduces the provision that added value of all property acquired during marriage shall be shared equally in the case of divorce. By adopting an egalitarian matrimonial property regime, the new law not only recognizes the monetary contributions made by the partners to the marriage unity, but also acknowledges the value of the physical and mental labour that goes into the reproduction of daily life of the family. Thus, the new property regime recognizes the unpaid work of women within the household. The new property regime is valid if couples do not choose another regime in writing before or after they get married.

There are four property regimes in the law: Regime Regarding the Ownership of Acquired Property (legal property regime under the new law); Separation of Property (Articles 242-243); Separation of Shared Property (Articles 244-255); and Joint Property Regime (Articles 256-281). The latter two also existed under the former Civil Code. With the exception of the last regime, the others require settlement of common assets when the matrimonial union is terminated. The legal property regime under the former Civil Code was the Separation of Property. This regime recognized the individual ownership of goods registered in the name of each spouse. Accordingly, after divorce, each partner retains the property they owned prior to marriage and which they acquired in their name during marriage. Since, the conventional practice in Turkey is that men, more often than not, are the legal owners of family assets, in the event of divorce women often encounter severe deprivation under this regime. Therefore, the new property regime is a contribution not only to women's economic security but also to their self-esteem and empowerment. However, the new legal property regime does not apply retrospectively.

In terms of inheritance, the surviving spouse is entitled to his/her share of the common assets in accordance with the rules governing the particular regime. Remaining portion of the assets is divided among the inheritors as stipulated by law (Article 499). The Turkish law grants the right to inherit equal share to female and male children of their parent's assets. The right to equal inheritance of a women to that of their brother is guaranteed under the obligatory legal provision of the law, which cannot be revoked even through a will of the deceased (Article 649). The same inheritance rights apply to children born out of wedlock whose descent is established (Article 498). Adopted children also enjoy the same inheritance rights as that of natural children (Article 500). With the changing of Article 661, which gave priority to male children over agricultural holdings in order to prevent land fragmentation, the most salient discriminatory character of the inheritance law has been corrected. The new law makes no reference to sons or daughters. Foreigners married to Turkish citizens are entitled to the same share in inheritance as their Turkish counterparts.

16. 2. *The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.*

As indicated earlier, the Turkish Civil Code has defined minimum age of marriage and set the terms of marriage of minors. Therefore, in accordance with the Family Law section of the Civil Code, the procedure for marriage ceremony requires an application to the registry office by the couple who wish to get married. Upon authorization of the request, a legal marriage ceremony can take place. The couple is then given an official marriage certificate. The law clearly states that a religious marriage ceremony can only be held after the civil ceremony otherwise the couple is in breach of the Criminal Code (Article 237 of the Criminal Code).